

**AGENDA
RIO DELL PLANNING COMMISSION
REGULAR MEETING
WEDNESDAY, MAY 30, 2012 - 6:30 PM
CITY COUNCIL CHAMBERS
675 WILDWOOD AVENUE, RIO DELL**

WELCOME . . . By your presence in the City Council Chambers, you are participating in the process of representative government. Copies of this agenda, staff reports and other material available to the City Council are available at the City Clerk's office in City Hall, 675 Wildwood Avenue. Your City government welcomes your interest and hopes you will attend and participate in Rio Dell City Council meetings often.

THE TYPE OF COMMISSION BUSINESS IS IDENTIFIED IMMEDIATELY AFTER EACH TITLE IN BOLD CAPITAL LETTERS.

A. CALL TO ORDER

B. ROLL CALL

C. PLEDGE OF ALLEGIANCE

D. CEREMONIAL

E. CONSENT CALENDAR

- 1) 2012/0530.01 - Approve Minutes of the April 25, 2012 Regular Meeting
(ACTION)

F. PUBLIC PRESENTATIONS

This time is for persons who wish to address the Commission on any matter not on this agenda and over which the Commission has jurisdiction. Items requiring Commission action not listed on this agenda will be placed on the next regular agenda for consideration, unless a finding is made by at least 4/5ths of the Commission that the item came up after the agenda was posted and is of an urgency nature requiring immediate action.

G. SCHEDULED MATTERS/PUBLIC HEARINGS/STUDY SESSIONS

- 1) 2012/0530.02- Eel River Industrial Park General Plan Amendment and Zone Reclassification. Consider the Application and Adopt Resolution No. PC 052 -2012 Recommending that the City Council Approve or Deny the Proposed General Plan Amendment and Zone Reclassification Designating Approximately 18 Acres from Public Facility (PF) to Industrial Commercial (IC) and about 7 acres from Public Facility (PF) to Natural Resources (NR) **(ACTION)**

- 2) 2012/0530.03 - Approve Resolution No. PC 053 -2012 Recommending that the City Council Establish Design Review Guidelines, Section 17.25.050 of the Rio Dell Municipal Code (RDMC) **(ACTION)**

H. REPORTS/STAFF COMMUNICATIONS

I. ADJOURNMENT

*The next Regular Planning Commission meeting is scheduled for
June 27, 2012 at 6:30 p.m. in the City Council Chambers*

**CITY OF RIO DELL
PLANNING COMMISSION
REGULAR MEETING
APRIL 25, 2012**

CALL TO ORDER

The Regular meeting of the Rio Dell Planning Commission was called to order at 6:30 p.m. by Planning Commissioner Chapman.

Present were Commissioners Chapman, Angeloff, Gonzales, Johnson and Millington.

Others present were City Manager Henrickson, Community Development Director Caldwell, and City Clerk Dunham.

CEREMONIAL

Appointment of Vice Chair to the Rio Dell Planning Commission

City Clerk Dunham passed out ballots to Commissioners for the election of Vice-Chair to the Planning Commission.

The results of the votes were announced; Commissioner Chapman was unanimously elected to serve as Vice-Chair to the Planning Commission.

CONSENT CALENDAR

Approve Minutes of the March 28, 2012 Regular Meeting

Motion was made by Millington/Johnson to approve the consent calendar including the approval of minutes of the March 28, 2012 regular meeting; Motion carried 5-0.

PUBLIC PRESENTATIONS

None

SCHEDULED MATTERS/PUBLIC HEARINGS

Albin General Plan Amendment and Zone Reclassification

Community Development Director Caldwell provided a staff report and said the applicant is requesting to re-designate approximately 3 acres from Community Commercial (CC) to Urban Residential (UR). He said the property was originally zoned Residential Multiple Family (R-3) then re-designated in 2004 to Community Commercial (CC). In 2006 a minor subdivision was approved creating four parcels and a Remainder. Sometime later the applicant informally requested the City consider re-designating the

**PLANNING COMMISSION
APRIL 25, 2012 MINUTES
Page 2**

Remainder parcel from Community Commercial (CC) to Urban Residential (UR). At that time, the City chose not to consider amending the land use designations.

Community Development Director Caldwell presented a map showing Community Commercial (CC) zoned parcels within the City and a Land Use Inventory. He said 2 findings must be made for a General Plan Amendment and Zone Reclassification: 1) the proposed amendments are deemed to be in the public interest; and 2) the proposed amendments are consistent and compatible with the rest of the General Plan and any implementation programs that may be affected.

The applicant submitted the following justification in support of making the required Public Interest and General Plan consistency findings:

Public Interest

- Re-zoning to Urban Residential would make this parcel compatible with the surrounding existing residential;
- Residential development will not require modifications to the Gateway improvements adjacent to the parcel;
- Re-designating the parcel to Residential will further encourage commercial development to the Town Center and the Todd parcel;
- Residential development will not detract from the view of the Scotia bluffs and be easy to landscape for privacy.

General Plan

- The General Plan encourages commercial development in the Town Center. Consistent with this policy, re-designating the parcel to Residential will further encourage commercial development to the Town Center and the Todd parcel;
- The General Plan encourages compatible development. Residential development would be more compatible with the existing surrounding residential development.

Community Development Director Caldwell stated that based on the applicant's justification, it is staff's opinion that the proposed amendment to change the parcel from Community Commercial (CC) to Urban Residential (UR) may not be in the public interest at this time.

Wally Wright, agent for the applicant addressed the Commission and said that he still believes their statements for justification are correct even though staff disagrees. He said it comes down to what will happen to Rio Dell over the next 20 years. He said this parcel has very little commercial desirability compared to the Todd property and said the parcel

PLANNING COMMISSION
APRIL 25, 2012 MINUTES
Page 3

has been on the market as commercial property for a number of years with little or no interest. He said although he can't predict what will happen over the next 5-10 years, it seems the Todd property will be high on the list to potential developers. He also noted that the Town of Scotia has a lot going on as well as the former Eel River Sawmill site, Alton and Fortuna; all of which the City of Rio Dell will be competing with.

Commissioner Angeloff asked the applicant what his intentions were when he purchased the property and commented that there are some nice existing commercial buildings in the area.

Wally Wright commented that Mr. Albin's purchase was tied to Matt Galt; the former owner who passed away and reiterated that the parcel was marketed as commercial development property for a number of years with no takers and his general opinion is that it would be better suited for residential development.

Wally Wright suggested the General Plan be modified to make commercial uses on that site allowed as a conditional use.

Commissioner Angeloff asked the applicant, given the current residential climate, what he foresees as far as being able to sell residential lots. Wally Wright stated that there are several residential lots in the City and whether residential development comes back before commercial development, he believes that residential development is more likely. He said there are more desirable commercial development sites in the City than this particular site. He said the estimated date for build-out is unknown.

Community Development Director Caldwell pointed out that when the applicant first submitted his application, it was believed that the Todd property would be developed which is no longer the case.

Commissioner Johnson asked about the status of the Todd property (Rio Dell Plaza); City Manager Henrickson explained that the City is no longer pursuing acquisition of the property. He said he believes that at some point in the future the property will become a viable commercial site.

Commissioner Gonzales asked the applicant if they had received any interest from potential residential developers; Wally Wright stated there were no plans at this time.

Discussion continued regarding the number of lots; layout of the subdivision; and infrastructure improvements should it be re-designated to residential.

Commissioner Angeloff said as an archeologist he would highly recommend the applicant performs an archeology survey because if the property develops either way and

PLANNING COMMISSION
APRIL 25, 2012 MINUTES
Page 4

archeology deposits are found, the costs associated with that would be astronomical. He said it has been documented there is an archeology site somewhere North of Davis St. so the possibility exists.

Community Development Director Caldwell stated he spoke to a local resident, Rhonda O’Kane who expressed concerns regarding drainage. He said he spoke to both Andy Albin and Dennis Wendt and was assured the drainage will be addressed with either commercial or residential development.

City Manager Henrickson stated that planning is an art, not a science and that zoning reflects community standards and must be based on economic reality. He said in his opinion the most likely use for the property is residential. He said Rio Dell is essentially a “bedroom community” and Wildwood Ave. will never be the city’s commercial main stream. He said the City is in the process of trying to correct previous poor land use decisions and believes the future of the City rests with development of the Todd property. He said he is in support of the proposed residential re-designation and feels it is the most economical solution. He thanked the Commission for their time and effort.

Commissioner Gonzales said in the event the proposed zone reclassification is approved by the City Council and a tentative map subdivision application comes back to the planning commission for consideration, he doesn’t feel the 20 foot building height restriction as stated in the Draft Mitigated Negative Declaration is justified. Community Development Director Caldwell commented that this would be subject to change with a proposed subdivision application.

Commissioner Millington said sales tax revenue relative to property tax revenue was a large consideration when the property was reclassified in 2004. Community Development Director Caldwell noted that as far as City revenues, more sales tax and property tax revenue will be generated with commercial development.

Commissioner Millington said as a realtor she has realized that no one wants to open a business in the old downtown buildings and there is simply no place for commercial development. She noted that not only are there no commercial properties selling in Rio Dell, it is pretty much the same throughout Humboldt County.

A public hearing was opened at 7:24 p.m. to receive public comment on the proposed project.

Jack Hill, 1010 Pine St. said his house was built in 1959 and he has lived here since 1962 and pointed out that very few people can afford to buy a new home now. He said there is not a lot of new construction going on and with the sale of Scotia homes, it will be even

**PLANNING COMMISSION
APRIL 25, 2012 MINUTES
Page 5**

harder to sell new homes. He said Rio Dell has been a bedroom community for 40 years and said the current economy cannot support a residential development. He said he would like to see more commercial development because without businesses, we won't get people to purchase homes here. He said the regular working man cannot afford to buy a \$280,000 house. He is not against residential development but there must be businesses to support it.

Rhonda O'Kane said she thinks Rio Dell is still evolving and personally doesn't know which way it will go but it was pointed out to her that once commercial property is changed to residential it is very difficult to change back. She said the property in question is a prime piece of commercial property and should be kept that way for the time being.

There being no further public comment, the public hearing closed at 7:29 p.m.

Commissioner Millington noted that once houses are built there is basically no going back. She said in 2011 there were 18 homes sold in Rio Dell; 10 of which were bank foreclosures.

Commissioner Gonzales said this is a hard decision for the Commission to make and said there has been a struggle with this property for years. As far as the Todd property, it seems that it is not for sale now so the planning commission's recommendation should not be based on that. He said the lack of interest by commercial developers is the symptom of a rough real estate market. He said he is not convinced that reclassifying the parcel to residential will fix the problem and the reason it has not sold may have to do with price or how the parcel is marketed

Motion was made by Johnson/Millington to adopt Resolution PC 051-2012
Recommending Denial of the Albin General Plan Amendment and Zone Reclassification.

Commissioner Angeloff said the Commission may want to consider re-assessing the situation in 1 year to see where the economy is and what if anything is being proposed for development of the Todd property.

Commissioner Millington stated she agrees with the City Manager about Rio Dell being a bedroom community but said even bedroom communities need doctor's offices and other professional businesses to support the residential community.

City Manager Henrickson said demand is what drives business and that residential development will bring business; the best thing the City can do is promote residential development.

**PLANNING COMMISSION
APRIL 25, 2012 MINUTES
Page 6**

Commissioner Chapman said he concurred with the City Manager that residential development attracts business dollars.

Motion then carried 5-0.

Community Development Director Caldwell stated the Commission's recommendation would be taken to the City Council on May 15, 2012.

REPORTS/STAFF COMMUNICATIONS

Community Development Director Caldwell reported on upcoming agenda items and stated he would be bringing forward on the next agenda, the Wendt General Plan Amendment and Zone Reclassification (former Eel River Sawmill site); Design Review; and parking regulations.

He also announced the next regular meeting scheduled for May 23, 2012 will be changed to May 30, 2012 due to a conflict with a meeting regarding Measure X.

ADJOURNMENT

The meeting adjourned at 7:44 p.m. to the May 30, 2012 regular meeting.

Attest:

Gary Chapman, Acting Chair


Karen Dunham, City Clerk


675 Wildwood Avenue
Rio Dell, CA 95562
(707) 764-3532



For Meeting of: May 30, 2012

To: Planning Commission

From: Kevin Caldwell, Community Development Director 

Through: Ron Henrickson, City Manager 

Date: May 15, 2012

Subject: Eel River Industrial Park General Plan Amendment and Zone Reclassification

Recommendation:

That the Planning Commission:

1. Receive staff's report regarding the proposed General Plan Amendment and Zone Reclassification;
2. Open the public hearing, receive public input and deliberate;
3. Consider the application and based on information contained in the staff report and public comments and adopt Resolution No. 052-2012 recommending that the City Council approve the General Plan Amendment and Zone Reclassification redesignating approximately 18 acres from Public Facility to Industrial Commercial and about 7 acres from Public Facility to Natural Resources.

Background

In 2008, the City annexed a 244.6-acre area located on the north side of the Eel River to the City. This area included the old non-operational Eel River Sawmill, forested land, open space, pasture, existing commercial/industrial uses along HWY 101, and railroad ROW. The reasons for the annexation were to provide a site for a proposed City wastewater treatment plant (WWTP), incorporating the existing commercial/industrial uses along Highway 101 into the City of Rio Dell, and preserving pasture and open space for use as treated wastewater disposal area. To permit the planned land uses, these areas were designated Industrial/Commercial (IC), Public Facility (PF) and Natural Resources (NR), respectively. Prior to annexation the County designation of the area was Heavy Industrial.

In 2010 the City and the City Engineers determined that it was more economically feasible to upgrade the existing WWTP rather than build a new facility at the Eel River Industrial Park. As such, there is no need for the privately owned 25+/- acre parcel to be designated Public Facility.

The proposed project is to amend the current plan designation of about 25 acres from Public Facility (PF). Approximately 7 acres will be redesignated to Natural Resources (NR) and approximately 18 acres will be redesignated to Industrial Commercial (IC). Please refer to Figures 1 and 2.

Procedures for Plan Amendments

California Government Code § 65350-65362 contains the following procedural requirements to amend a general plan:

- Prior to action to amend a general plan, the proposed action should be referred to and circulated for 45 days to: the City, County, school districts, LAFCo, regional planning agencies, any federal or state agencies, water providers, and Native American tribes with traditional lands located within the City;
- The Planning Commission shall hold at least one public hearing before approving a recommendation on the amendment;
- The Planning Commission shall make a written recommendation on the amendment;
- Prior to amending the general plan, the City Council shall hold at least one public hearing;
- The City Council shall amend the general plan by resolution, which shall be adopted by not less than a majority of the legislative body;
- City Council may approve, modify, or disapprove the Planning Commission recommendations, however any substantial modifications not previously considered by the Planning Commission shall first be referred to the Planning Commission for its recommendation;
- Copies of the adopted general plan amendment shall be made available for inspection by the public one working day following adoption;
- Within two working days after a request, copies shall be furnished to those so requesting;
- Any specific plan or other plan of the City that is applicable to the same areas or matters affected by a general plan amendment shall be reviewed and amended as necessary to make the specific or other plan consistent with the General Plan;

Procedures for Zoning Ordinance Amendments

Pursuant to Section 17.30.010 of the City of Rio Dell Municipal Code, the following City procedures are required to amend the Ordinance:

- An amendment may be initiated by one or more owners of property affected by the proposed amendment, as set out in Section 17.30.010(3), or by action of the Planning Commission, or the City Council.
- The application of one or more property owners for the initiation of an amendment shall be filed in the office of the City Clerk on a form provided, accompanied by a filing fee.

- Subject only to the rules regarding the placing of matters on the Planning Commission agenda, the matter shall be set for a public hearing.
- Notice of hearing time and place shall be published once in a newspaper of general circulation at least ten calendar days before the hearing or by posting in at least three public places.
- At the public hearing, the Planning Commission shall hear any person affected by the proposed amendment. The hearing may be continued from time to time.
- Within 40 days of the conclusion of the hearing, the Planning Commission shall submit to the City Council a written report of recommendations and reasons therefore.
- Subject only to the rules regarding the placing of matters on its agenda, the City Council, at its next regular meeting following the receipt of such report, shall cause the matter to be set for a public hearing. Notice of the time and place of the hearing shall be given as provided in Section 17.30.010(5), hereof.
- At the public hearing, the City Council shall hear any person affected by the proposed amendment. The hearing may be continued to a specified future date, but shall be concluded within 60 days of the commencement thereof.
- The City Council shall not make any change in the proposed amendment until the proposed change has been referred to the Planning Commission for a report, and the Planning Commission report has been filed with the City Council.

Plan and Zone Amendment Required Findings:

1. The proposed amendments are deemed to be in the public interest.

The Public Facility designation is intended to be applied to lands owned by public agencies or to lands upon which such agencies operate public facilities. At this time there is no intention by the City to acquire any of the land or to site any public facilities at the Industrial Park. Therefore, staff believes it is in the public interest to redesignate the land from Public Facility to Industrial Commercial and Natural Resources.

2. The proposed amendments are consistent and compatible with the rest of the General Plan and any implementation programs that may be affected.

There are no specific General Plan policies or programs which affect the proposed amendments. The General Plan is intended to be amended from time to time to address changes in base information. The fact that the City has decided not to site the Waste Water Treatment Plant (WWTP) at the Industrial Park is a change in base information and thus the General Plan should be amended to reflect this change. Therefore, staff believes the proposed amendments are consistent with an overall comprehensive view of the General Plan.

3. The potential impacts of the proposed amendments have been assessed and have been determined not to be detrimental to the public health, safety, or welfare.

There is no evidence to suggest that the proposed amendments would be detrimental to the public health, safety or welfare.

4. The proposed amendments have been processed in accordance with the applicable provisions of the California Government Code and the California Environmental Quality Act (CEQA).

In accordance with State CEQA Guidelines §15168, Mitigated Negative Declaration (MND) was prepared to evaluate the proposed amendment at a programmatic level consistent with the programmatic nature of the proposed action. Because specific development proposals are not yet available, the Initial Study evaluated the development of the proposed amendment area (e.g., “amendment area”) under the maximum densities and intensities permitted under the proposed City land use designations, zoning (e.g., highest and best use). This will allow the property owners the flexibility to propose a range of uses in the future, so long as they are consistent with the proposed designations/zoning as provided for in the City General Plan and implementing ordinances.

An IS/MND was prepared by the City in 2008 that evaluated the 244.6-acre Sawmill Annexation Area, including the amendment area, and application of the Public Facility (PF) designation to the amendment area. The IS/MND was adopted by the City, and the annexation was approved by the City and Humboldt Local Agency Formation Commission (HLAFCo), in 2008. Therefore, the City has already planned capacity for development of the amendment area, a portion of which already contains a non-operational sawmill, with light industrial uses. In addition, because the 2008 Sawmill Annexation IS/MND identified a suite of mitigation measures required to avoid significant environmental effects associated with development of the Sawmill Annexation Area, including the amendment area, many of the mitigation measures identified in the 2008 IS/MND continue to apply. Therefore, the 2008 IS/MND is incorporated into the current IS/MND by reference.

The City referred the Initial Study and Mitigated Negative Declaration to the State Clearing House for public and agency review on April 23, 2012. At this time, no written comments have been submitted regarding the environmental document. The review period officially ends on May 22, 2012.

Financial Impact

The City is responsible for the costs associated with processing the proposed amendments. The staff time associated with the processing of the amendment is included in the current budget. Therefore, no additional budget costs will be incurred.

Alternatives

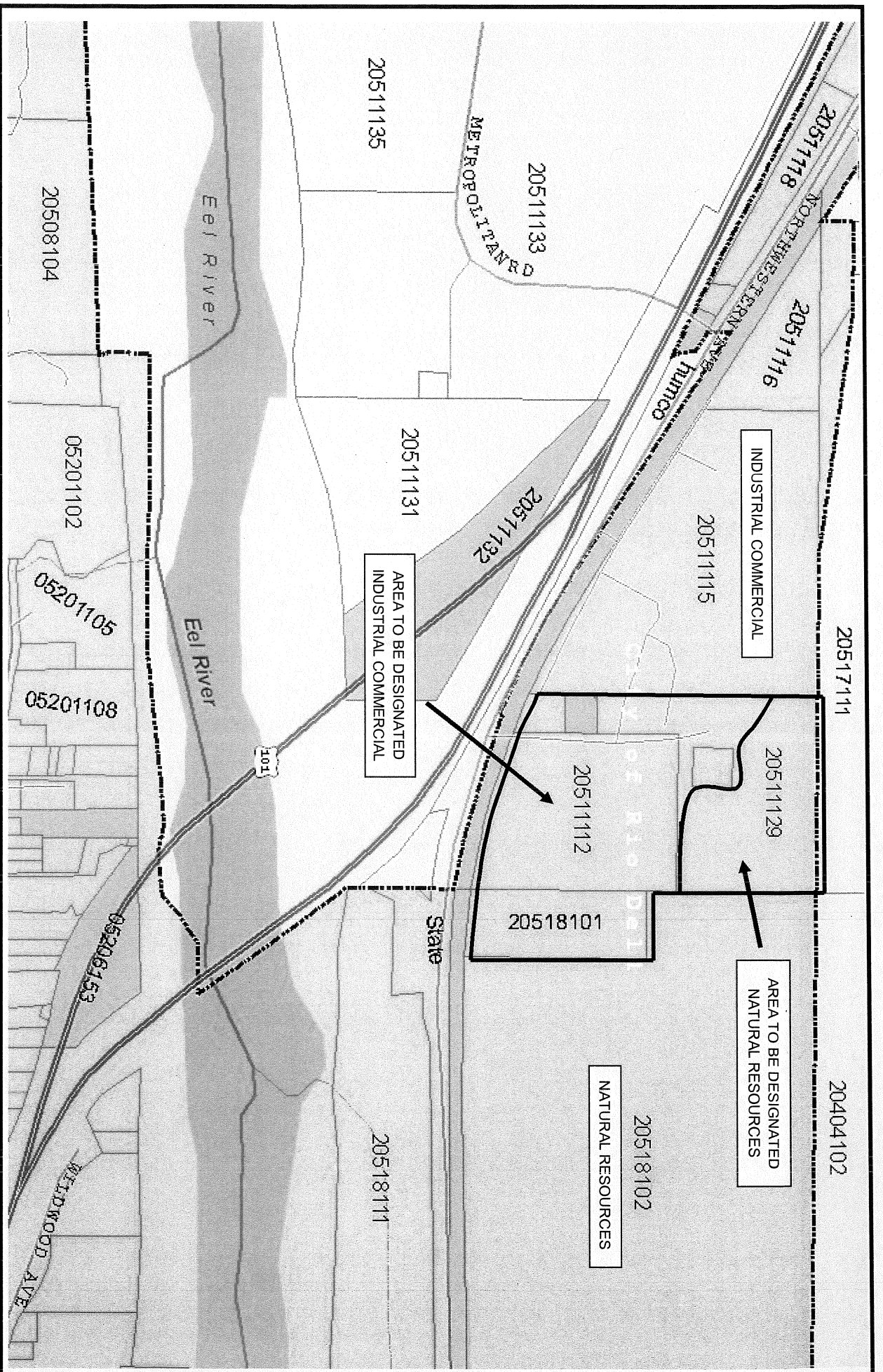
The Planning Commission could recommend that the City Council not pursue the proposed amendments. This alternative is not recommended because the City no longer has in intentions on developing the WWTP at the site.

Figures and Attachments

Figures 1 & 2: Maps illustrating the recommended changes.

Attachment 1: Draft Resolution No. 052-2012 recommending approval of the proposed amendments.

Attachment 2: Initial Study and Mitigated Negative Declaration.



Eel River Industrial Park General Plan Amendment and Zone Reclassification

An application to amend the current plan designation of about 25 acres from Public Facility (PF). Approximately 7 acres will be redesignated to Natural Resources (NR) and approximately 18 acres will be redesignated to Industrial Commercial (IC). The area was annexed to the City in 2008. Prior to annexation the County designation of the area was Heavy Industrial. After annexation the area was designated Public Facility (PF) in anticipation of the site being used for the City's Waste Water Treatment Plant (WWTP).

RESOLUTION NO. PC 052-2012

**RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF RIO DELL
RECOMMENDING APPROVAL OF THE EEL RIVER SAWMILLS/INDUSTRIAL PARK
GENERAL PLAN AMENDMENT AND ZONE RECLASSIFICATION:**

WHEREAS in 2008, the City annexed a 244.6-acre area located on the north side of the Eel River to the City. This area included the old non-operational Eel River Sawmill, forested land, open space, pasture, existing commercial/industrial uses along HWY 101, and railroad ROW.; and

WHEREAS the reasons for the annexation were to provide a site for a proposed City wastewater treatment plant (WWTP), incorporating the existing commercial/industrial uses along Highway 101 into the City of Rio Dell, and preserving pasture and open space for use as treated wastewater disposal area; and

WHEREAS to permit the planned land uses, these areas were designated Industrial Commercial (IC), Public Facility (PF) and Natural Resources (NR), respectively; and

WHEREAS in 2010 the City and the City Engineers determined that it was more economically feasible to upgrade the existing WWTP rather than build a new facility at the Eel River Industrial Park; and

WHEREAS the Public Facility designation is intended to be applied to lands owned by public agencies or to lands upon which such agencies operate public facilities.; and

WHEREAS at this time there is no intention by the City to acquire any of the land or to site any public facilities at the Industrial Park; and

WHEREAS the proposed project is to amend the current plan designation of about 25 acres from Public Facility (PF); and

WHEREAS approximately 7 acres will be redesignated to Natural Resources (NR) and approximately 18 acres will be redesignated to Industrial Commercial (IC)

WHEREAS the City has reviewed and processed the proposed amendments in conformance with Sections 65350 – 65362 of the California Government Code; and

WHEREAS the City has reviewed and process the proposed amendments in conformance with Section 17.30.010 of the City of Rio Dell Municipal Code; and

WHEREAS the City finds that based on evidence on file and presented in the staff report that the proposed amendments are deemed to be in the public interest; and

WHEREAS the City finds that based on evidence on file and presented in the staff report that the proposed amendments are consistent and compatible with the rest of the General Plan and any implementation programs that may be affected; and

WHEREAS the City finds that based on evidence on file and presented in the staff report that the potential impacts of the proposed amendments have been assessed and have been determined not to be detrimental to the public health, safety, or welfare; and

WHEREAS the proposed amendments have been processed in accordance with the applicable provisions of the California Government Code and the California Environmental Quality Act (CEQA); and

WHEREAS in accordance with State CEQA Guidelines §15168, a Mitigated Negative Declaration (MND) was prepared to evaluate the proposed amendments at a programmatic level consistent with the programmatic nature of the proposed project; and

WHEREAS the City referred the Initial Study and Mitigated Negative Declaration to the State Clearing House for the 30 day public and agency review on April 23, 2012; and

WHEREAS because the 2008 Sawmill Annexation IS/MND identified a suite of mitigation measures required to avoid significant environmental effects associated with development of the Sawmill Annexation Area, including the amendment area, many of the mitigation measures identified in the 2008 IS/MND continue to apply; and

WHEREAS the 2008 IS/MND is incorporated into the current IS/MND by reference.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Rio Dell recommends that the City Council approve the proposed amendments and Initial Study and Mitigated Negative Declaration.

PASSED AND ADOPTED by the Planning Commission of the City of Rio Dell at their meeting of May 30, 2012 by the following vote:

AYES:	Commissioners:
NOES:	Commissioners:
ABSENT:	Commissioners:
ABSTAIN:	Commissioners:

Dave Gonzales, Chair

ATTEST:

Karen Dunham, City Clerk

Initial Study and Mitigated Negative Declaration

Notice of Completion

Mail to: State Clearinghouse, 1400 Tenth Ave., Sacramento, CA 95814-3044

SCH# 2012042053

Project Title:

Eel River Sawmill Site GPA/ZA (e.g., "proposed amendment")

Lead Agency:

City of Rio Dell
Ron Henrickson, City Manager
675 Wildwood Ave.
Rio Dell, CA 95562
Ph: (707) 764-3532
Fax: (707) 764-5480
Email: cm@riodellcity.org

Lead Agency Representative:

Project Location:

County:	Humboldt	Waterways:	Eel River (in vicinity)
City:	Rio Dell	Airports:	Rohnerville (in Fortuna)
Streets:	HWY 101/Northwestern Ave.	Schools:	Rio Dell Elementary
Acres:	25.5	Railways:	NCRA
Section:	5, T5N, R1E, Humboldt Meridian		
APNs:	205-111-012, 205-111-028, 205-111-029, 205-111-030, 205-181-001, 205-111-026, 205-111-027		

CEQA Document Type:

Initial Study and Mitigated Negative Declaration

Local Actions:

General Plan Amendment (GPA), Zoning Amendment (ZA) and General Plan Text Amendment (GPTA).

INTRODUCTION

In accordance with State CEQA Guidelines §15168, this Initial Study (IS) and Mitigated Negative Declaration (MND) evaluates the proposed amendment at a programmatic level consistent with the programmatic nature of the proposed action. While the level of analysis is programmatic, an effort has been made to provide enough detail to allow the City to process subsequent subdivision and development approvals without additional CEQA review. Still, additional CEQA review may be required.

Because specific development proposals are not yet available, this IS/MND evaluates development of the proposed GPA/ZA/GPTA amendment area (e.g., "amendment area") under the maximum densities and intensities permitted under the proposed City land use designations, zoning (e.g., highest and best use). This will allow the property owners the flexibility to propose a range of uses in the future, so long as they are consistent with the proposed designations/zoning as provided for in the City General Plan and implementing ordinances.

TABLE OF CONTENTS

Introduction.....	1
Environmental Factors Potentially Affected.....	10
Determination	11
Initial Study Checklist.....	12
Aesthetics.....	12
Agriculture Resources.....	13
Air Quality	15
Biological Resources	17
Cultural Resources	22
Geology and Soils.....	24
Greenhouse Gas Emissions.....	26
Hazards and Hazardous Materials.	28
Hydrology and Water Quality.....	33
Land Use and Planning.....	38
Mineral Resources	39
Noise.....	39
Population and Housing.....	43
Public Services.....	44
Recreation	46
Transportation and Traffic.....	46
Utilities and Service Systems.....	52
Mandatory Findings of Significance.....	56
References.....	57

LIST OF FIGURES

Figure 1	Regional Location.....	3
Figure 2	Local Location	4
Figure 3	Amendment Area.....	5
Figure 4	Existing On-Site and Adjacent Land Uses.....	6
Figure 5	Existing General Plan Land Use Designations/Zoning	7
Figure 6	Proposed General Plan Land Use Designations/Zoning.....	9
Figure 7	Prime Farmland.....	14
Figure 8	Biological Resources (Per CNDDDB Search).....	20
Figure 9	Watercourses and Wetlands.....	21
Figure 10	Relevant Existing and Former Site Features.....	31
Figure 11	Flood Hazards	37
Figure 12	Traffic Assessment Intersections	48

LIST OF TABLES

Table 1	Development Potential Under the Proposed Amendment	10
Table 2	Criteria Pollutant Emissions Under the Proposed Amendment.....	16
Table 3	Special-Status Species Potentially Occurring in the Amendment Area	19
Table 4	Operational GHG Emissions Under the Proposed Amendment	27
Table 5	Hazardous Materials Database Listings for the Eel River Sawmill.....	29
Table 6	California 24-Hour Noise Compatibility Standards.	40

Table 7	Proposed Amendment Mobile Source Noise.....	41
Table 8	Noise Levels from Typical Stationary Equipment.....	42
Table 9	Rio Dell's Hourly Noise Exposure Standards	42
Table 10	Noise Levels from Typical Construction Equipment	43
Table 11	Existing Traffic Volumes.....	47
Table 12	Proposed Amendment Trip Generation	49
Table 13	Proposed Amendment Trip Distribution Assumptions.....	49
Table 14	Existing, Existing + Proposed Amendment, and % Increase in Traffic Volumes	50

APPENDICES

Appendix A:	URBEMIS Air Quality Modeling Output.....	61
Appendix B:	CARB GHG Emission Reduction Measures	63
Appendix C:	FHWA Noise Modeling Output.....	65

An IS/MND was prepared by the City in 2008 that evaluated the 244.6-acre Sawmill Annexation Area, including the amendment area, and application of the Public Facility (PF) designation to the amendment area. The IS/MND was adopted by the City, and the annexation was approved by the City and Humboldt Local Agency Formation Commission (HLAFCo), in 2008. Therefore, the City has already planned for development of the amendment area, a portion of which already contains a non-operational sawmill, with urban uses. In addition, because the 2008 Sawmill Annexation IS/MND identified a suite of mitigation measures required to avoid significant environmental effects associated with development of the Sawmill Annexation Area, including the amendment area, many of the mitigation measures identified in the 2008 IS/MND continue to apply. Therefore, the 2008 IS/MND is incorporated into the current IS/MND by reference.

Other previous environmental studies covering some or all of the amendment area and used as a source of information in this IS/MND include: (1) a 2008 certified EIR for the Rio Dell Wastewater Reuse Project, including a CNND Search, Cultural Resources Study and EDR Hazardous Materials Records Search; and (2) a 2010 Draft Phase I ESA for the Former Eel River Sawmill.

EXISTING CONDITIONS:

The amendment area encompasses 25.5 acres within the incorporated City of Rio Dell, Humboldt County, California (Figures 1 and 2). The City is located along Highway 101 and the Eel River in the Eel River Valley, approximately 250 miles north of San Francisco, 26 miles south of Eureka, and two miles southwest of the City of Fortuna. The amendment area includes seven parcels, including five owned by Dennis Wendt (205-111-012, -028, and -029, 205-111-030 and 205-181-001) and two owned by the City (205-111-026 and -027; Figure 3).

Existing uses on the flatter southwesterly 13.6 acres of the amendment area include a portion of the non-operational Eel River Sawmill with most facilities removed (remaining facilities include a vacant building, log storage area, log deck, roadway, asphalt and hardpan), four City wells with associated utility shacks, a seasonal creek, and two drainage ditches (Figure 4).¹ Existing uses in the remaining 11.9 acres of the amendment area include forested slope area in the north and flatter pasture area, three former bioremediation cells, a native soil stockpile, a drainage ditch, and two ponds and the east. Access is from Northwestern Avenue. The current General Plan land use designation/zoning of the amendment area is Public Facility (PF).

PROPOSED GPA/ZA/GPTA

In 2008, the City annexed a 244.6-acre area located on the north side of the Eel River to the City (Figure 2). This area included the old non-operational Eel River Sawmill, forested land, open space, pasture, existing commercial/industrial uses along HWY 101, and railroad ROW. The reasons for the annexation were to provide a site for a proposed City wastewater treatment plant (WWTP), incorporating the existing commercial/industrial uses along Highway 101 into the City of Rio Dell, and preserving pasture and open space for use as treated wastewater disposal area. To permit this planned land uses, these areas were designated Industrial/Commercial (IC), Public Facility (PF) and Natural Resources (NR), respectively (Figure 5).

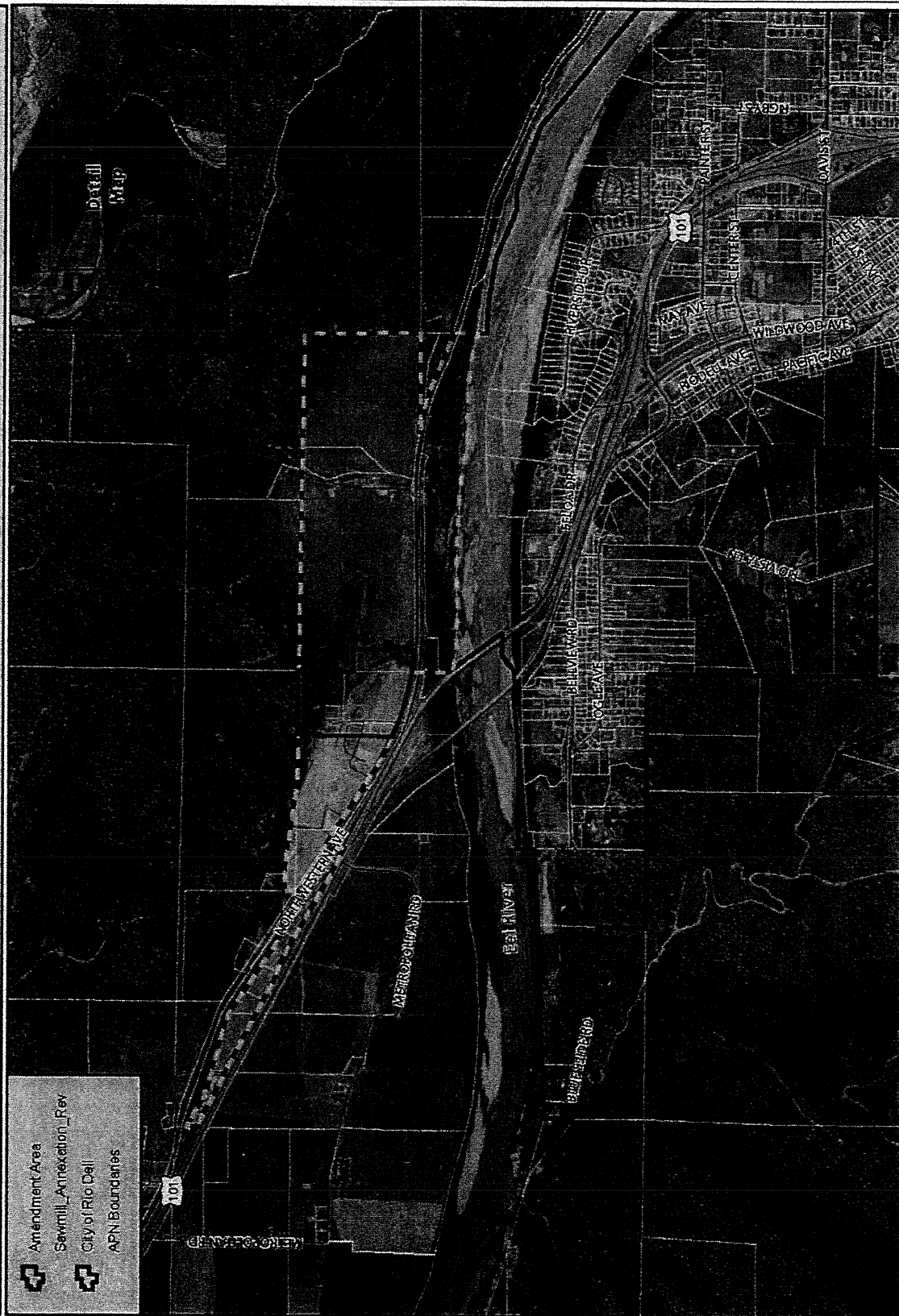
¹ The office building was used temporarily as a residence after closure of the Eel River Sawmill, but has been vacant since 4/27/10 (Winzler & Kelly, 2010). Given the nature of the structure, its historic use, and the existing PF land use designation/zoning of the site, the building is considered an existing vacant office and not a residential use.

Eel River Sawmill Site GPA/ZA/GPTA

**Figure 1:
Regional Location**



**Figure 2:
Local Location**



Map Compiled 6 October 2010.
Source (City Data): Planwest Partners Inc.
Source (Parcel Data): Humboldt County CDSD (<http://co.humboldt.ca.us/planning/maps/>).

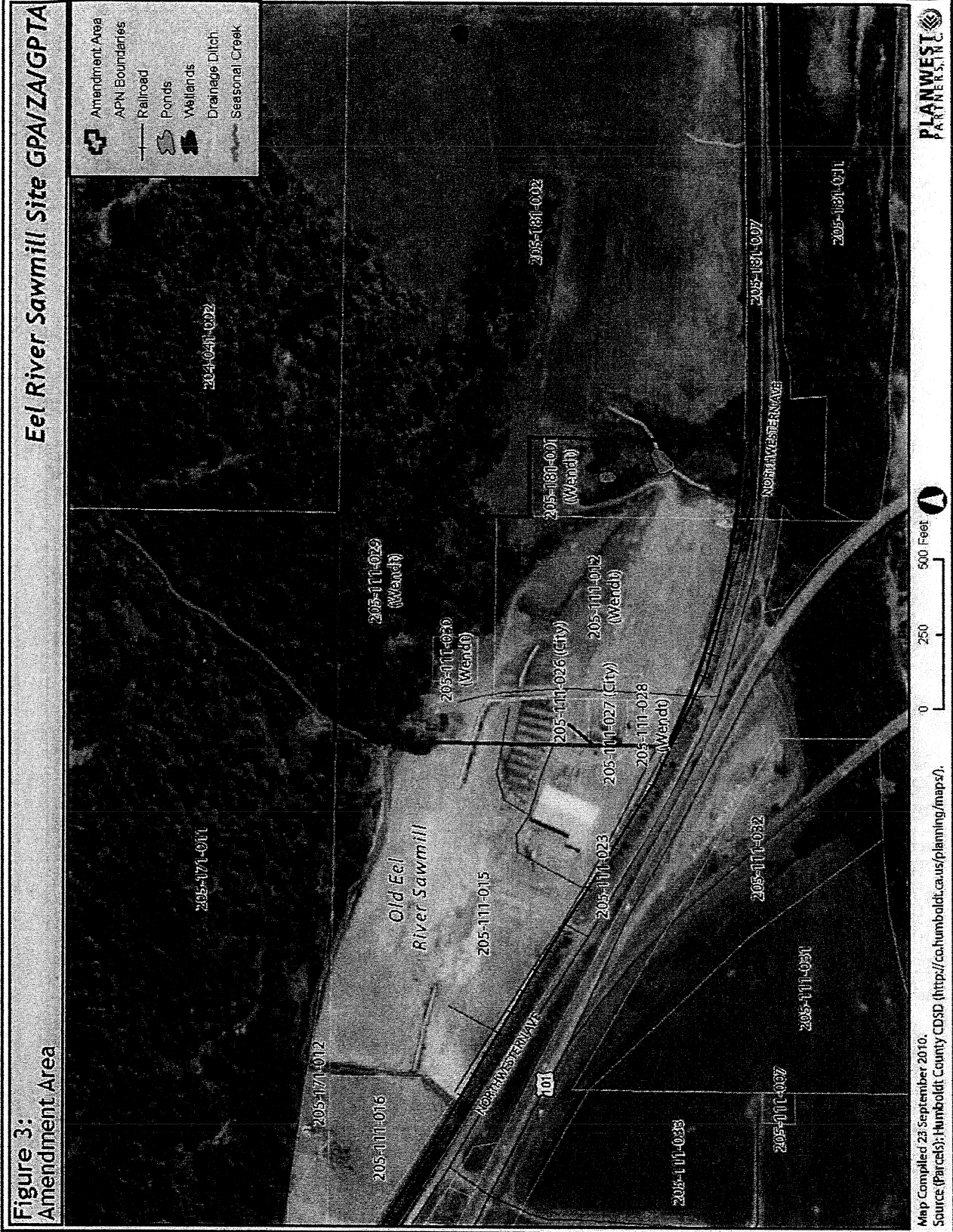
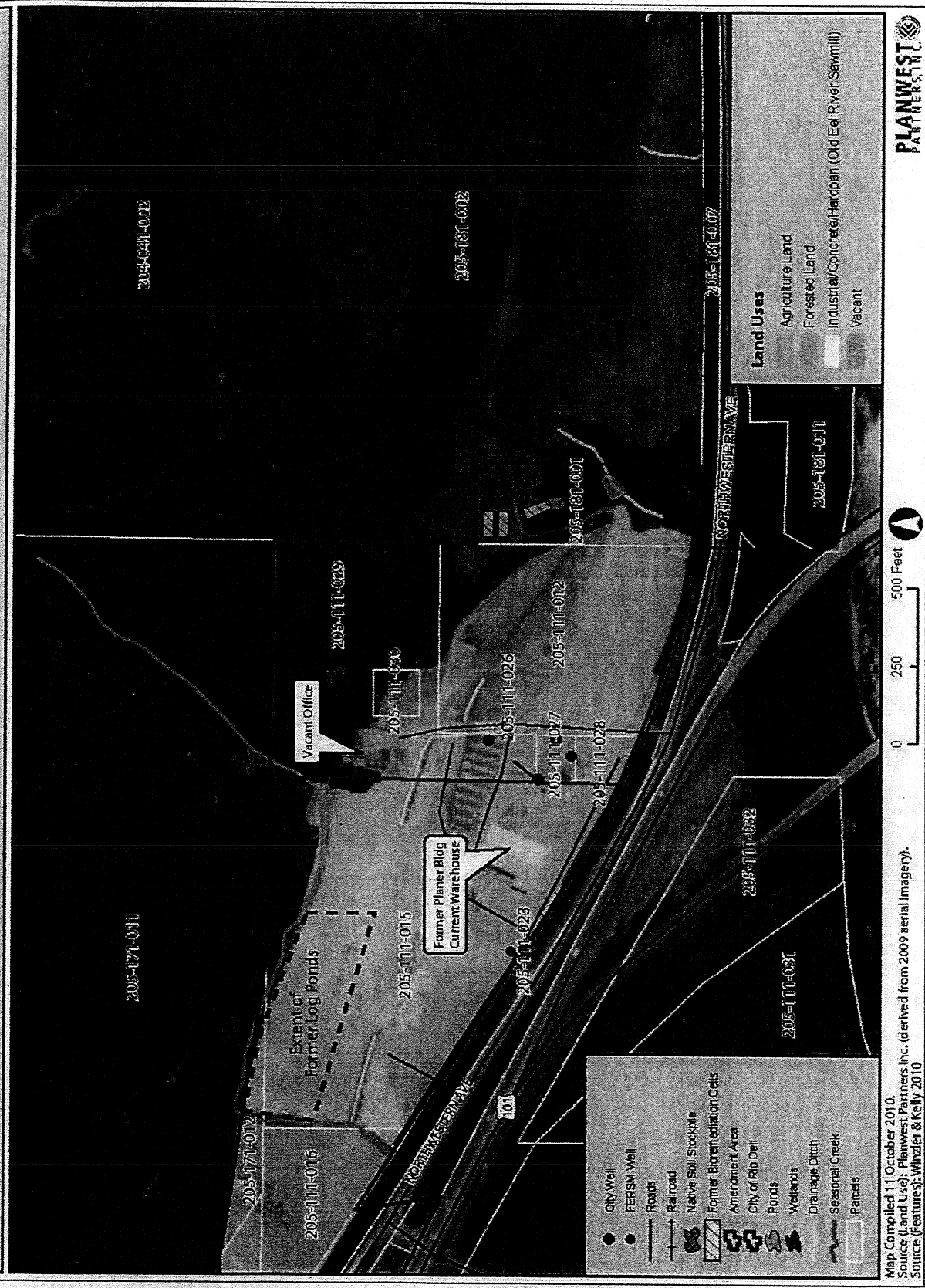
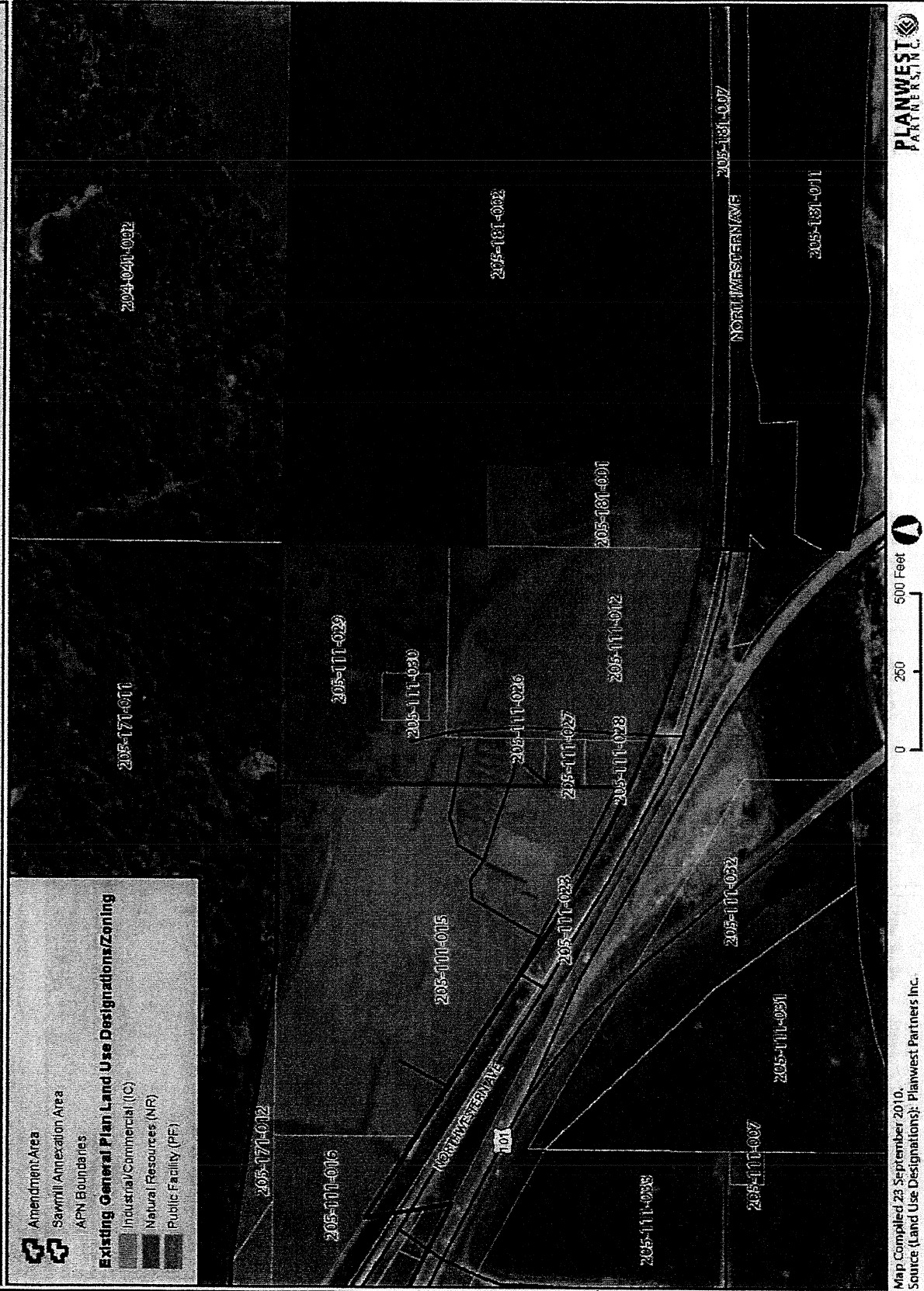


Figure 4:
Existing On-Site and Adjacent Land Uses



**Figure 5:
Existing General Plan Land Use Designations/Zoning**



Since the 2008 annexation, the City decided to expand the City's existing WWTP instead of developing a new WWTP in the annexation area. Hence, the owner of most of a 25.5-acre area previously designated under the annexation as PF (Figure 5) has requested a GPA and ZA of this area to IC (13.6 acres) and NR (11.9), with the dividing line between the two designations/zones generally following the northern and eastern boundaries of the existing sawmill (Figure 6). The purposes of this GPA/ZA are to: (1) expand the existing IC and NR designations of the original annexation; and (2) allow the property owner to develop the amendment area with industrial and commercial uses. The City has offered to initiate the GPA/ZA on behalf of the property owner.

In December 2010, the City of Rio Dell produced the Draft Eel River Valley Regional Food Collaborative Business and Development Plan under a Headwaters Grant for the development, operation and management of a new Eel River Valley-based food aggregation, storage, packaging and shipping facility. Although such a facility is still in the conceptual planning stages and would represent a separate project under CEQA, the City is proposing a GPA/ZA to the City's existing IC designation as part of the currently proposed GPA/ZA in order to permit potential future food collaborative uses in the amendment area.

The land uses permitted within the IC and NR land use designations/zones are described below from the Rio Dell General Plan, with the proposed GPA language shown in redline/strikeout:

Industrial/Commercial (IC): *This designation is intended to provide for a mix of industrial and commercial uses, including food aggregation, processing, packaging, storage and shipping (and associated management, administrative and byproduct processing and disposal) on land bordering HWY 101 that has historically been industrial but has potential for incorporating commercial development. A minimum of 10% open space is required per development project. Industrial/commercial is permitted to a maximum density of 1.0 FAR on 20% and 0.35 FAR on 80% of the designated area. Development is limited to two stories. No residential uses are permitted.*

In addition to the proposed change in the General Plan definition of the I/C designation/zone shown above, the following use type is proposed for deletion from the list of permitted uses in the I/C designation/zone:

~~Industrial and Commercial uses complementary to US Highway 101~~

Natural Resources (NR): *This designation is intended to preserve agriculture, timber production, and conservation uses in areas where these uses already occur. Applying this designation will ensure the continuation of these uses, and conserve the existing natural, wildlife, and habitat values of these areas. Uses permitted in NR-designated timber production and agricultural areas are the same type and intensity of timber production and agricultural uses that already occur in these areas. Uses permitted in the NR-designated conservation areas include the nature, open space, and passive recreation that already occur in these areas. New urban development is not permitted in NR-designated areas.*

The existing PF designation/zoning currently permits the development of public facility uses across the entire 25.5-acre amendment area. As indicated in Table 1, the proposed IC designation would permit the development of up to 284,360 sq. ft. of industrial/commercial uses in the sawmill portion of the amendment area, including 165,876 sq. ft. of industrial and 118,483 sq. ft. of commercial, while the proposed NR designation/zone would preserve the forested and pasture portion in the amendment area in its existing use (no new urban development permitted).

Table 1 Development Potential Under The Proposed Amendment			
Proposed Land Use Designation/Zone	Acres	Du/ac or FAR^a	Maximum Development Potential (sq. ft.)
Industrial/Commercial (IC)	13.6	80% @ 0.35 FAR 20% @ 1.0 FAR	165,876 (industrial) 118,484 (commercial)
Natural Resources (NR)	11.9	--	0
Total	25.5		284,360

^a From the IS/MND for the Sawmill and Blue Slide Rd. Annexations and the Bellevue, East Side Industrial, Enes, Timmerman, Waters/Dunn and Withrow GPAs, SCH SCH# 2007062006. 2008.
Source: Planwest Partners, 2010.

RESPONSIBLE/TRUSTEE AGENCIES:

Possible responsible/trustee agencies for the proposed amendment are listed below:

California Department of Transportation (Caltrans)
 California Air Resources Board (CARB)
 California Department of Fish & Game (DFG)
 California Regional Water Quality Control Board (RWQCB)
 California Department of Toxic Substances Control (DTSC)
 Native American Heritage Commission (NAHC)
 Humboldt County Department of Environmental Health

LOCAL PUBLIC REVIEW PERIOD:

Starting Date: _____

Ending Date: _____

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:


The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages. As indicated, **no** Potentially Significant Impacts would occur.

- | | | |
|--|---|---|
| <input type="checkbox"/> Aesthetics | <input type="checkbox"/> Agriculture Resources | <input type="checkbox"/> Air Quality |
| <input type="checkbox"/> Biological Resources | <input type="checkbox"/> Cultural Resources | <input type="checkbox"/> Geology/Soils |
| <input type="checkbox"/> Hazards/Haz. Mat. | <input type="checkbox"/> Hydrology / Water Quality | <input type="checkbox"/> Land Use/Planning |
| <input type="checkbox"/> Mineral Resources | <input type="checkbox"/> Noise | <input type="checkbox"/> Population/Housing |
| <input type="checkbox"/> Public Services | <input type="checkbox"/> Recreation | <input type="checkbox"/> Transportation/Traffic |
| <input type="checkbox"/> Utilities/Service Systems | <input type="checkbox"/> Mandatory Findings of Significance | |

DETERMINATION:

On the basis of this initial evaluation:

- ☐ I find that the proposed amendment WOULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION (ND) will be prepared.
- ☒ I find that although the proposed amendment COULD have a significant effect on the environment, there will not be a significant effect in this case because mitigation measures have been recommended to reduce any significant effects to less than significant levels. A MITIGATED NEGATIVE DECLARATION (MND) will be prepared.
- ☐ I find that the proposed amendment MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT (EIR) is required.
- ☐ I find that the proposed amendment MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact, but that because least one of these has been adequately analyzed in an earlier document, a focused EIR is required.


Signature

Kevin Caldwell
Printed Name

April 23, 2012
Date

City of Rio Dell
For

CHECKLIST AND EVALUATION OF ENVIRONMENTAL IMPACTS:

An explanation for all checklist responses is included, and all answers take into account the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts. The explanation of each issue identifies (a) the significance criteria or threshold, if any, used to evaluate each question; and (b) the mitigation measure identified, if any, to reduce the impact to less than significance. In the checklist below the following definitions are used:

"Potentially Significant Impact" means there is substantial evidence that an effect may be significant.

"Less Than Significant w/Mitigation Incorporated" means the incorporation of one or more mitigation measures can reduce the effect from potentially significant to a less than significant level.

"Less Than Significant Impact" means that the effect is less than significant and no mitigation is necessary to reduce the impact to a lesser level.

"No Impact" means that the effect does not apply to the proposed project, or clearly will not impact nor be impacted by the project.

1. AESTHETICS. Would the project:	Potentially Significant Impact	Less Than Significant Impact w/Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect on a scenic vista?				X
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?				X
c) Substantially degrade the existing visual character or quality of the site and its surroundings?			X	
d) Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area?			X	

a-b): The amendment area is not located within a mapped/designated scenic vista or scenic resource area (City of Rio Dell 1975, Humboldt County 1984, Planwest 2008), and is not located within an area visible from a state scenic highway (e.g., HWY 101 is only identified as “eligible” for listing; California State Scenic Highway Mapping System 2008). Therefore, the proposed amendment would not have a substantial adverse effect on a scenic vista, and would not substantially damage scenic resources within a state scenic highway. **No impact** would occur.

c): The amendment area currently contains 13.6 acres of non-operational sawmill uses along with 11.9 acres of forested slope and pasture. Under the proposed amendment: (1) the westerly 13.6 acres would be re-designated/rezoned IC which would permit the development of up to 284,360 square feet of industrial/commercial uses of several stories high; and (2) the remaining 11.9 acres would be re-designated/rezoned NR which would retain forest and pasture and associated NR uses. Development of new industrial/commercial uses on the sawmill portion of the amendment area would be visible by travelers on HWY 101 and Northwestern Avenue, and by some City residents across the valley on the Dinsmore Plateau. While this development would replace existing non-operational sawmill uses which some may consider an existing visual blight, and while this development would be subject to City urban design standards, a lack of proper landscaping and visual buffering could substantially degrade the existing visual character of the sawmill portion of the amendment area as seen from these vantage points (for example, make it more noticeable, especially once lit). However, mitigation is included in the 2008 Sawmill Annexation IS/MND requiring compatibility of development with existing visual character and the provision of landscaping and visual buffering. With implementation of that mitigation, the impact would be **less than significant**.

d): The amendment area and its immediate environs are essentially without lighting. The closest lit areas are the Stone area (the north-south oriented segment of Northwestern Avenue located approximately 2,000 feet to the east) which contains one or two lit residences and several barns, and a small lit business (e.g., Moore Fuels) located approximately three-quarters of a mile to the west. Under the proposed amendment, the 11.9-acre forest and pasture portion of the amendment area to be re-designated/rezoned NR would remain in its existing unlit condition, while the 13.6-acre sawmill portion to be re-designated/rezoned IC could be developed with up to 284,360 square feet of lit industrial/commercial uses. The latter could include substantial sources of light and glare which could both adversely affect day or nighttime views of the

amendment area as seen from HWY 101, Northwestern Avenue and the Dinsmore Plateau, and could increase nighttime illumination in these areas. However, mitigation is included in the 2008 Sawmill Annexation IS/MND limiting the type and intensity of permitted lighting, and requiring submission of a lighting plan to the City for review and approval. With implementation of these mitigation measures, the impact would be *less than significant*.

2. AGRICULTURE AND FORESTRY RESOURCES. Would the project:	Potentially Significant Impact	Less Than Significant Impact w/Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland) to non-agricultural use?				X
b) Conflict with agricultural zoning or a Williamson Act contract?				X
c) Conflict with existing zoning for, or cause rezoning of, forest land, timberland, or timberland zoned Timberland?				X
d) Result in the loss or conversion of forest land?				X
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forestland to non-forest use?				X

a): Approximately 1.8 acres of the 25.5-acre amendment area is covered by prime farmland as designated by the FMMP (USDA 1965, Figure 7). However, this prime farmland falls within the area to be re-designated/rezoned NR (Figure 5) which would preserve the existing farmland use and prohibit new urban development. Therefore, the proposed amendment would not convert prime farmland to non-agricultural use. *No impact* would occur.

b-d): The amendment area is currently designated/zoned PF which does not represent an agricultural or forest land designation/zone. Furthermore, the amendment area is not subject to an existing Williamson Act contracts (Humboldt County, 2005). Finally, the forested and pasture portions of the amendment area would be re-designated/rezoned to NR which would preserve the existing pasture and forest use and prohibit new urban development. Therefore, the proposed amendment would not conflict with existing agricultural or forest land zoning, would not conflict with existing Williamson Act contracts, and would not confer forest land to urban use. *No impact* would occur.

e): The amendment area abuts prime farmland to the east and is across Northwestern Avenue and HWY 101 from prime farmland to the southwest (Figure 7). The amendment area also abuts forest land to the north (Figure 4). However, the proposed amendment would not permit the development of residential or other types of land uses (e.g., hospitals, nursing homes, schools, daycare facilities, etc.) that are sensitive to dust or other emissions typically associated with agricultural and logging activities. Therefore, the proposed amendment would not introduce new sensitive uses that could restrict adjacent agricultural or logging activities (for example, by causing adjacent agricultural and logging activities to be classified as "nuisances"), and thus would not involve other changes in the existing environment that could result in the conversion of farmland or forestland. *No impact* would occur.

**Figure 7:
Prime Farmland**



3. AIR QUALITY. Would the project:	Potentially Significant Impact	Less Than Significant Impact w/Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Conflict with or obstruct implementation of the applicable air quality plan?		X		
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?			X	
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality?		X		
d) Expose sensitive receptors to substantial pollutant concentrations?			X	
e) Create objectionable odors affecting a substantial number of people?		X		

The following air quality analysis is based, in part, on air quality modeling for the amendment using the California Air Resources Board (CARB) Urban Emissions Model (URBEMIS, version 9.2.2, November 2007). The modeling output is included as Appendix A of this IS/MND.

a,c): The proposed amendment area is located within the North Coast Air Basin (NCAB) and subject to NCUAQMD requirements. The Humboldt County portion of the NCAB is currently designated as “nonattainment” or in excess of allowable limits for respirable particulate matter of 10 microns or less (PM₁₀) and as “attainment” or within allowable limits with respect to the balance of the criteria pollutants (COE 2008). Because the NCAB is in “nonattainment” for PM₁₀, the NCUAQMD has prepared a draft PM₁₀ Attainment Plan identifying cost effective control measures that can be implemented to bring ambient PM₁₀ levels to within California standards. These include transportation measures (e.g., public transit, ridesharing, vehicle buy-back programs, traffic flow improvements, bicycle incentives, etc.), land use measures (infill development, concentration of higher density adjacent to highways, etc.), and combustion measures (open burning limitations, hearth/wood burning stove limitations; NCUAQMD 1995).

While construction and operation of urban uses permitted under the proposed amendment would emit small quantities of PM₁₀ (Table 2), the proposed amendment would be consistent with much of the PM₁₀ Attainment Plan in that it: (1) would not include residential uses, and thus would not include hearths or wood burning fireplaces; (2) would not emit PM₁₀ at levels that would exceed the District’s PM₁₀ significance threshold of 16 tpy ; and (3) would be developed adjacent to HWY 101 and within an existing urbanized area (City of Rio Dell), thus requiring shorter commutes and truck deliveries. Still, without implementation of control measures required by the NCUAQMD to reduce PM₁₀ emissions to the greatest extent practicable, the proposed amendment could conflict with or obstruct implementation of the PM₁₀ Attainment Plan or result in a cumulatively considerable net increase in criteria pollutants (specifically PM₁₀) for which the proposed amendment’s region is nonattainment. This impact would be *less than significant with mitigation incorporated*.

Table 2 Criteria Pollutant Emission Under the Proposed Amendment			
Pollutant ^a	Significance Threshold (tpy) ^b	Proposed Amendment Emissions ^c	
		Construction (tpy) ^d	Operation (tpy) ^e
ROG	40	3.29	6.01
NO _x	40	2.10	10.69
CO	100	1.96	74.07
SO ₂	--	0.00	0.06
PM ₁₀	16	1.57	10.76
PM _{2.5}	--	0.42	2.08

^a Criteria pollutants include reactive organic gases (ROG), nitrogen dioxide (NO₂), carbon monoxide (CO), sulfur dioxide (SO₂), respirable particulate of matter less than 10 microns (PM₁₀) and less than 2.5 microns (PM_{2.5}).

^b NCUAQMD thresholds (COE 2008).

^c Calculated using URBEMIS Model, version 9.2.2, November 2007.

^d Assumes one year construction period and construction equipment based on URBEMIS defaults.

^e Assumes 80% industrial and 20% commercial (including one-third each retail, office and shopping center uses) consistent with the assumptions in the 2008 Sawmill Annexation IS/MND. Assumes stationary sources based on URBEMIS defaults.

Source: Planwest Partners, December 2010.

Mitigation Measures:

AIR-1: The following measures shall be implemented during construction to control dust and other regulated particulate matter:

- Spray exposed soils with water during grading on a daily basis.
- Apply soil stabilizers to inactive exposed soils.
- Suspend earth moving and trenching activities when winds exceed 20 mph.
- Plant ground cover in disturbed areas immediately after grading.
- Cover haul truck loads.
- Use only low VOC asphalt, coatings, paints and building materials.
- Ensure that all construction vehicles and equipment possess EPA and/or NCUAQMD-approved exhaust systems and are kept tuned and in good working order.

AIR-2: The following measures shall be implemented during operation to reduce operational emissions:

- Provide employees with incentives for ridesharing, biking and transit use.
- Provide bicycle racks for customers and employees.
- Turn delivery truck engines off at the loading docks (no idling, except as may be required to power onboard equipment).
- Equip stationary emission sources with EPA-approved exhaust filters.

b): Table 2 identifies NCUAQMD significance thresholds for criteria pollutants and provides estimates of the construction and operational emissions of criteria pollutants under the proposed amendment. As indicated, construction and operation of the up to 284,360 square feet of new industrial/commercial uses permitted under the proposed amendment would generate emissions at levels below NCUAQMD significance thresholds for criteria pollutants. Therefore, the

proposed amendment would not violate air quality standards or contribute substantially to an existing or proposed air quality violation, and the impact would be *less than significant*. See Section 7 of this IS/MND for an evaluation of greenhouse gas (GHG) emissions.

d): Construction and operation of the development permitted under the proposed amendment would emit criteria pollutants as indicated in Table 2. However, it is not anticipated that these emissions would expose sensitive receptors to substantial pollutant concentrations because: (1) construction activities would be short term and temporary; (2) construction and operation would not result in the emission of criteria pollutants above NCUAQMD significance thresholds; and (3) the closest existing sensitive receptors are the Belleview Avenue residences located approximately 1,600 feet from the amendment area which is adequate distance for amendment-related air emissions to disperse prior to reaching these receptors. Also, while approximately 4,531 daily (586 p.m. peak hour) motor vehicle trips would be generated during operation of the up to 284,360 square feet of new industrial/commercial uses permitted under the proposed amendment, most of this traffic would utilize Northwestern Avenue and HWY 101, neither of which is lined with residential or other sensitive receptors in the vicinity of the amendment area. Therefore, the impact would be *less than significant*.

e): The proposed amendment would permit the development of industrial and commercial uses. If these uses were to include restaurants, industrial or processing operations involving animal products, waste transfer facilities, or other operations involving biological components, they could potentially emit objectionable odors affecting a substantial number of people (e.g., residents in the City of Rio Dell and Scotia). This impact would be *less than significant with mitigation incorporated*.

Mitigation Measures:

AIR-3: Equip stationary sources of odors with EPA-approved odor control devices.

4. BIOLOGICAL RESOURCES. Would the project:	Potentially Significant Impact	Less Than Significant Impact w/Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the DFG or FWS?			X	
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the DFG and FWS?			X	
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the CWA?			X	
d) Interfere substantially with the movement of native resident or migratory fish/wildlife species or impede the use of native wildlife nursery sites?				X

e) Conflict with local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?			X	
f) Conflict with the provisions of an adopted HCP, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?				X

a-c): The amendment area encompasses 25.5 acres within the Sawmill Annexation area of the City of Rio Dell. Existing uses on the flatter southwesterly 13.6 acres of the amendment area include a portion of the non-operational Eel River Sawmill with most facilities removed (remaining facilities include a vacant building, log storage area, roadway, asphalt and hardpan), four City wells with associated utility shacks, a seasonal creek, and two drainage ditches (Figure 4). Existing uses in the remaining 11.9 acres of the amendment area include forested slope area in the north and flatter pasture area, three former bioremediation cells, a native soil stockpile, a drainage ditch, and two ponds and the east.

Two California Natural Diversity Database (CNDDB) searches were conducted in recent years for other projects in the Rio Dell area, including for the Sawmill Annexation (CDFG, 2007) and the Rio Dell Rio Dell Wastewater Reuse Project (CDFG, 2003). These searches indicate that:

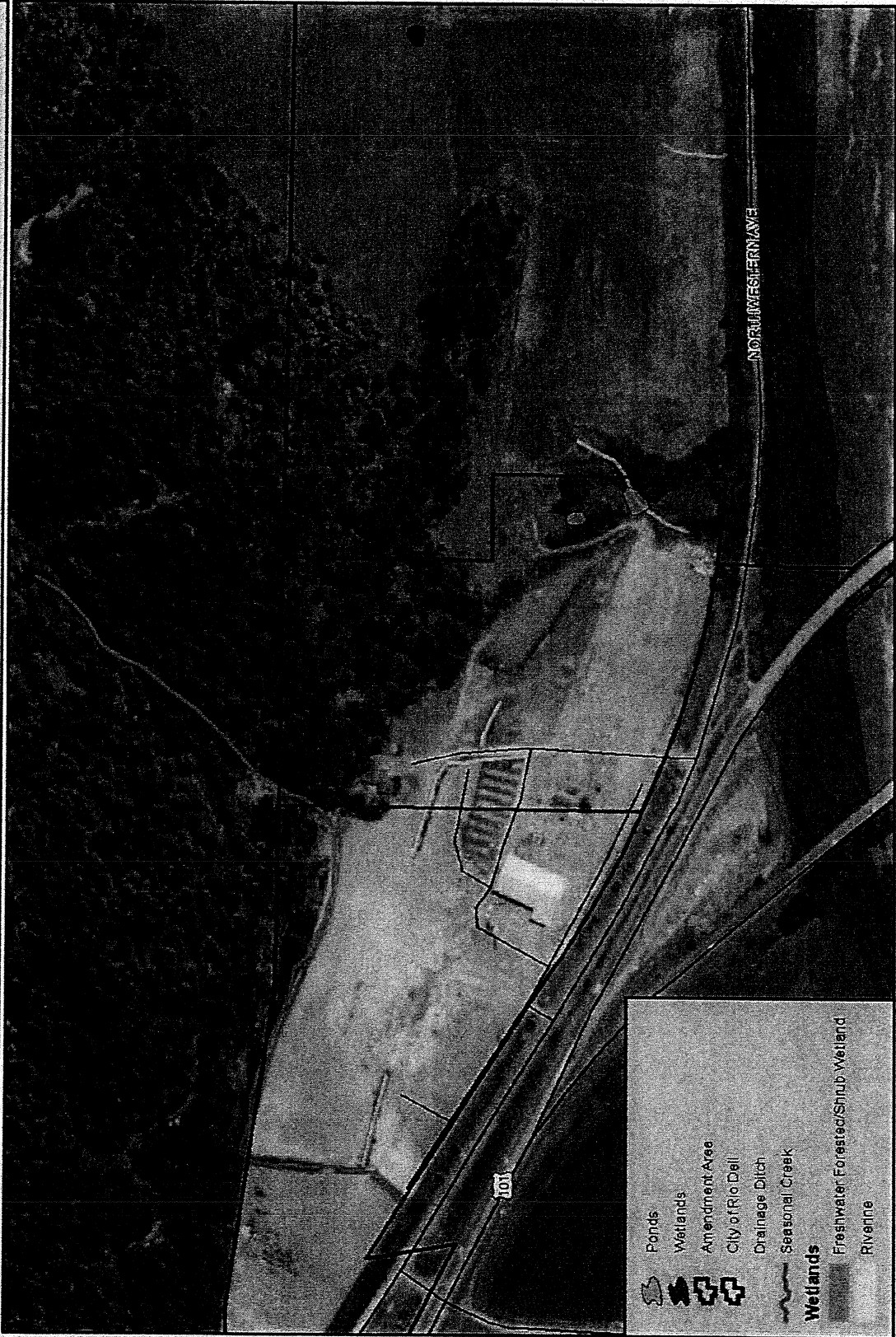
- (1) Thirty-four special-status species have been previously documented in the three USGS quads in which the City of Rio Dell (including the amendment area) occurs (Table 3);
- (2) Several of these species have been previously documented in the Rio Dell area, including Pacific gilia (*Gilia capitata ssp. Pacifica*), great blue heron (*Ardea herodias*), osprey (*Pandion haliaetus*), foothill yellow-legged frog (*Rana boylei*), Northern red-legged frog (*Rana aurora aurora*), tricolored blackbird (*Agelaius tricolor*), red tree vole (*Arborimus pomo*), Northern spotted owl (*Strix occidentalis caurina*); and
- (3) Habitat for two of these species has been previously documented in the vicinity of the amendment area, including Pacific gilia and great blue heron, with habitat for the heron mapped within the southeastern corner of the amendment area (Figure 8).

A reconnaissance-level biological survey conducted in the context of the Rio Dell Wastewater Reuse Project EIR did not find any special-status species in the amendment area (Winzler & Kelly 2007). However, the survey is now several years old, and conditions may have changed during this period. In addition, USGS maps and the aforementioned survey indicate that a portion of a seasonal creek, several drainage ditches, and two ponds occur in the amendment area (Figure 9), and these water features may represent federally protected Waters of the U.S. and/or wetlands. Finally, the Eel River has been documented to contain special-status fish species, and while the original 2008 Sawmill Annexation included a policy requiring that new development connect to the City's municipal storm drain system, which is applicable to the proposed amendment, development in the amendment area (which is upstream and near the river) could generate sediment and urban runoff which could enter the river and potentially result in substantial adverse effects on the fish. This could occur by not routing all storm water runoff to the municipal storm drain system or not cleaning site runoff before it enters the system.

Table 3 Special-Status Species Potentially Occurring in the Amendment Area		
Scientific Name	Common Name	Status
Plants		
<i>Clarkia ameoena ssp. whitneyi</i>	Whitney's farewell to-spring	1B
<i>Erythronium revolutum</i>	Coast fawn lily	2
<i>Gilia capitata ssp. Pacifica</i>	Pacific gilia	1B
<i>Lycopodium clavatum</i>	Running pine	2
<i>Montia howellii</i>	Howell's montia	2
<i>Packera bolanderi var. bolanderi</i>	Seacoast ragwort	2
<i>Sidalcea malviflora ssp. Patula</i>	Siskiyou checkerbloom	1B
Animals		
<i>Accipiter cooperii</i>	Cooper's hawk	SC (State)
<i>Accipiter striatus</i>	Sharp-shinned hawk	SC (State)
<i>Agelaius tricolor</i>	Tricolored blackbird	SC (State)
<i>Antrozous pallidus</i>	Pallid bat	SC (State)
<i>Arborimus pomo</i>	Red tree vole	SC (State)
<i>Ardea herodia</i>	Great blue heron	SC (State)
<i>Ascaphus truei</i>	Western tailed frog	SC (State)
<i>Brachyramphus marmoratus</i>	Marbled murrelet	T (Fed)
<i>Buteo regalis (wintering)</i>	Ferruginous hawk	SC (State)
<i>Charadrius alexandrinus nivosus</i>	Western snowy plover	T (Fed)
<i>Coccyzus americanus</i>	Western yellow-bellied cuckoo	C (Fed)
<i>Eucyclogobius newberryi</i>	Tidewater goby	E (Fed)
<i>Parus atricapillus</i>	Black-capped chickadee	SC (State)
<i>Dendroica petechia</i>	Yellow warbler	SC (State)
<i>Circus cyaneus (nesting)</i>	Northern harrier	SC (State)
<i>Corynorhinus townsendii</i>	Townsend's big-eared bat	SC (State)
<i>Emys marmorata</i>	Northwestern pond turtle	SC (State)
<i>Haliaeetus leucocephalus</i>	Bald eagle	T (Fed)
<i>Martes americana humboldtiensis</i>	Humboldt marten	SC (State)
<i>Myotis yumanensis</i>	Yuma bat	NA
<i>Oncorhynchus clarkii clarkii</i>	Coastal cutthroat trout	SC (State)
<i>Oncorhynchus kisutch</i>	California coho salmon	T (Fed)
<i>Oncorhynchus mykiss</i>	Northern California steelhead	T (Fed)
<i>Oncorhynchus tshawytscha</i>	California coastal Chinook	T (Fed)
<i>Pandion haliaetus</i>	Osprey	SC (State)
<i>Rana aurora aurora</i>	Northern red-legged frog	SC (State)
<i>Rana boylei</i>	Foothill yellow-legged frog	SC (State)
<i>Strix occidentalis caurina</i>	Northern spotted owl	T (Fed)
¹ Includes USGS 7.5 Minute Fortuna, Scotia, and Hydesville Quadrangle Maps. ² CNPS Plant Listing Status: "1B" = rare, threatened, or endangered in California and elsewhere; "2" = rare, threatened, or endangered in California but more common elsewhere. ³ Threatened/Endangered Animal Listing Status: "E" = endangered listing status; "T" = threatened listing status; "C" = Federal Candidate for listing; and "SC" stands for species of concern. N/A = Not applicable. Source: Winzler & Kelly, September 2007.		

Figure 9:
Watercourses and Wetlands

Eel River Sawmill Site GPA/ZA/GPTA



Sources: USFWS National Wetlands Inventory (<http://www.fws.gov/wetlands>), search conducted by PlanWest Partners, November 2010.
Also Winkler and Kelly field data from 2007 DEIR for Rio Dell Wastewater Reuse Project, SCH #2007062006, October 2007

Map Compiled 11 October 2010.

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Based on the above, development under the proposed amendment could potentially generate substantial adverse effects on: (1) special-status species and their habitat; (2) riparian habitat or other sensitive natural community identified in local policies²; and (3) federally protected Waters of the U.S. or wetlands. However, the 2008 Sawmill Annexation IS/MND included mitigation requiring: a pre-construction biological survey and biological assessment; processing stormwater runoff through grassy swales and other features to remove urban pollutants; the provision of SMA buffers around watercourses and wetlands; replacement of any trees and vegetative cover removed; and the preparation of wetland delineations for any watercourses or wetlands to be impacted. In addition, existing regulations require: that any discharges of stormwater runoff from the amendment area to the river comply with the City's existing NPDES discharge permit; the preparation/implementation of Stormwater Pollution Prevention Plan (SWPPP) to prevent pollutants and sediment from leaving the construction site during construction; and that new industrial development file a Notice of Intent to comply with the California General Permit for Discharges of Storm Water Associated with Industrial Activities with SWRCB to prevent industrial pollutants in stormwater runoff. With implementation of these mitigation measures and compliance with these regulations, the impact would be *less than significant*.

d): As indicated in Response 4.a-c, the amendment area may potentially contain special-status species and/or their habitat. However, the portion of the amendment area where I/C uses would be permitted is already developed with non-operational sawmill uses, asphalt and hardpan, and is not used by native resident or migratory wildlife species for movement and/or nursery sites. Therefore, the proposed amendment would not interfere substantially with the movement of such species, and *no impact* would occur.

e): The amendment area is not subject to a local tree preservation policy or ordinance. However, mitigation in the 2008 Sawmill Annexation IS/MND requires: (1) the City of Rio Dell write the Humboldt County SMA requirements into its City Code and make it applicable to the Sawmill Annexation Area; or (2) or that future development in the Sawmill Annexation Area adhere to the County's SMA requirements (regardless of the fact that the area has been annexed to the City). With implementation of this mitigation, the impact would be *less than significant*.

f): The amendment area is not subject to an HCP, NCCP, or other approved conservation plan. Therefore, *no impact* would occur.

5. CULTURAL RESOURCES. Would the project:	Potentially Significant Impact	Less Than Significant Impact w/Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?			X	
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?			X	

² The on-site seasonal drainage, and the ponds if they are found to represent jurisdictional wetlands, are protected under City of Rio Dell Streamside Management Area (SMA) requirements as required by mitigation in the 2008 Sawmill Annexation IS/MND.

c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?			X	
d) Disturb any human remains, including those interred outside of formal cemeteries?			X	

a): The amendment area contains five existing buildings, including the vacant office building associated with the old Eel River Sawmill and small utility structures associated with the four on-site City wells. According to the National Register Information System website, these buildings are not listed in the National Register of Historic Places (NRIS 2008).

The four utility structures were constructed relatively recently and do not represent historical resources. However, the office building is approximately 100 years old (Winzler & Kelly, 2010), the California State Historic Preservation Officer (SHPO) has not been contacted to determine whether this building is listed as a historic resource in the California Register of Historic Resources, and no historical resources report has been prepared to determine whether this building is eligible for listing in the National or California Registers. However, 2008 Sawmill Annexation IS/MND included mitigation requiring National and California Register eligibility evaluations for any structures of 45 years of age or older. With implementation of this mitigation, the impact would be *less than significant*.

b-d): A cultural resources investigation was conducted of the amendment area in 2007 in the context of the Rio Dell Wastewater Reuse Project. The investigation included a North Central Information Center (NCIC) records search of the California Historical Resources Information System (CHRIS), ethnographic research, and reconnaissance-level cultural resources field survey. The investigation found that: (1) no archaeological sites/resources have been previously recorded in the amendment area; and (2) no archaeological sites/resources were observed in the amendment area during the field survey (Roscoe et. al, 2007). However, given the history of Native American occupation of the Eel River Valley and the fact that the bluffs surrounding Rio Dell have yielded paleontological resources in the past (Winzler & Kelly, 2007), the amendment area may potentially contain buried archaeological resources, paleontological resources, and/or human remains. If such resources are present, and if construction activities associated with the proposed amendment were to disturb these resources, the amendment could potentially: (1) cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5; (2) directly or indirectly destroy a unique paleontological resource; or (3) disturb human remains. However, mitigation in the 2008 Sawmill Annexation Area IS/MND requires that: Native American representatives be allowed to monitor construction activities; construction activities be re-directed if cultural activities are unearthed during construction; and a qualified archaeologist evaluate the resources. In addition, California Health and Safety Code §7050.5 and California Public Resources Code §5097.94 and §5097.98 outline the treatment of human remains if uncovered during construction. With implementation of this mitigation and compliance with these regulations, the impact would be *less than significant*.

6. GEOLOGY AND SOILS. Would the project:	Potentially Significant Impact	Less Than Significant Impact w/Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a know fault? Refer to Division of Mines and Geology Special Publication 42.				X
ii) Strong seismic ground shaking?			X	
iii) Seismic-related ground failure, including liquefaction?			X	
iv) Landslides?		X		
b) Result in substantial soil erosion or the loss of topsoil?			X	
c) Be located on a geologic unit or soil that is unstable or that would become unstable as a result of the project, and potentially result in onsite or offsite landslide, lateral spreading, subsidence, or collapse?			X	
d) Be located on expansive soil, creating substantial risks?			X	
e) Have soils incapable of adequately supporting the use of septic tanks?				X

ai): The Humboldt County General Plan Update, Central Humboldt County Bedrock and Fault Map, indicates that no faults and no Alquist-Priolo Special Studies Zones are located within Rio Dell or its environs, and that the closest Alquist-Priolo zone is associated with Little Salmon Fault located approximately 5 miles to the north (Humboldt County 2002). The proposed amendment area is not bisected by known faults or Alquist-Priolo Special Studies zones, and thus is not subject to fault rupture from a known fault (Humboldt County 2002, Winzler & Kelley 2007). **No impact** would occur.

aii): There are three active faults or fault systems within 20 miles of the amendment area: the Russ Fault located two miles to the southwest; the Little Salmon Fault located 5 miles to the north; and the Mendocino Triple Junction system located 17 miles to the west (Humboldt County 2002, Winzler & Kelly 2007). In 1992, the City of Rio Dell experienced three earthquakes of magnitude 6.7, 6.8 and 7.2 on the Richter Scale which caused serious damage to infrastructure and un-reinforced masonry buildings (Winzler & Kelly 2007). Given the presence of active faults within the area and the City's experience with the 1992 earthquakes, the amendment area is potentially subject to strong seismic ground shaking. However, such exposure is no greater than in other parts of northwest California, and compliance with standard earthquake engineering design requirements of the California Uniform Building Code (UBC) would reduce the potential for loss of life and property to acceptable levels as determined by the State of California. **A less than significant impact** would occur.

aiii): As discussed above, the amendment area occurs in a seismically active area which is potentially subject to strong ground shaking. This, combined with the facts that the amendment area occurs on alluvial material deposited by the Eel River (Rio Dell 1975) and within close proximity to the Eel River where groundwater may be close to the surface, suggests that the amendment area may be subject to seismically-induced ground failure and/or liquefaction. The proposed amendment would re-designate/rezone the southwestern 13.6-acres of the 25.5-acre amendment area to IC which would permit the development of industrial and commercial uses. This could include the development of multi-story, steel-framed and/or masonry structures that are typically less resistant to seismically-induced ground failure and liquefaction than standard wood framed residential construction. However, mitigation in the 2008 Sawmill Annexation IS/MND requires the preparation of a geotechnical report for such structures and implementation of design recommendations from the report. With implementation of this mitigation, the impact would be *less than significant*.

aiv): The amendment area is located at the Eel River Valley floor and Scotia Bluffs interface, with the southern three-fifths of the amendment area on the relatively flat valley floor and the northerly and northwesterly two-fifths on hillside (Figure 3). The bluffs above the amendment area contain areas designated as “moderate instability” (Humboldt County 2002). While an inspection of aerial photographs of this area did not reveal any indication of previous slope failure, and while the County’s Slope Stability Map and Summary Constraints Map do not identify these areas as being within an area of “high instability” or “unstable slopes over 30%” (Humboldt County 2002), there may still be some potential for slope instability and/or mudflow at the valley floor/bluff interface. In order to provide a conservative analysis, it is assumed here that development in this portion of the amendment area could potentially expose people or structures to substantial adverse effects, including the risk of loss, injury, or death involving landslides. This impact would be *less than significant with mitigation incorporated*.

Mitigation Measures:

GEOL-1: An analysis shall be prepared by a qualified engineer for any development proposed within 100 feet of the toe-of-slope (the dividing line between the existing industrial/concrete and the forested land uses shown in Figure 4). Recommendations from the analysis, which shall consider the specific landslide and mudflow hazards at this location, shall be incorporated into development design.

b-d): Portions of the Rio Dell area, including the valley-flood portion of the amendment area, are underlain by undifferentiated non-marine terrace deposits of the Holocene and Pleistocene Epochs alluvial deposits of sand, silt and clay from the Eel River. The slopes surrounding these flatter areas, including the slopes in the northern portion of the amendment area, are marine and non-marine overlap deposits from the late Pleistocene to middle Miocene. All these soils have a low expansion index, do not exhibit expansive qualities or instability, and are moderately well drained, but do have some potential for erosion and sediment transport (Winzler & Kelly 2007). The coarse nature of the alluvial materials underlying the area also tend to diminish the tendency for differential subsidence and settlement (Rio Dell 1975).

Based on the above, the amendment area is likely not underlain by a geologic unit or soil that is unstable, that could result in landslides, or experience lateral spreading, subsidence, collapse or expansion, but may be subject to some erosion and topsoil loss. In addition, mitigation in the

2008 Sawmill Annexation IS/MND requires the preparation of a soils report that identifies design/foundation requirements and sediment/erosion control measures to be implemented. Finally, City of Rio Dell Zoning Ordinance §6.17 and §6.23B outline grading standards that development must comply with to avoid and mitigate adverse soils conditions. With implementation of these mitigation measures and compliance with these standards, the impact would be *less than significant*.

e): The 2008 Sawmill Annexation included a General Plan policy requiring that all new development in the Sawmill Annexation Area, including within the amendment area, connect to the City's municipal sewer system (e.g., no new septic systems). Therefore, development permitted under the proposed GPA/ZA/GPTA would need to connect to the City's municipal sewer system rather than be served by new septic systems, and *no impact* would occur.

7. GREENHOUSE GAS EMISSIONS. Would the project:	Potentially Significant Impact	Less Than Significant Impact w/Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?			X	
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?		X		

a): Gases believed to be most responsible for global warming include carbon dioxide (CO₂), methane (CH₄), nitrous oxide (N₂O), various hydro fluorocarbons, and sulfur hexafluoride. The greenhouse effect occurs when concentrations of these gases exceed the natural concentrations in the atmosphere. Of these gases, CO₂ and CH₄ are emitted in the greatest quantities from human activities, with CO₂ generated largely by fossil fuel combustion and CH₄ generated largely from off-gasing associated with agricultural practices and landfills (COE 2008).

The California Energy Commission (CEC) estimates that, in 2004, California produced 492 million tons of greenhouse gas emissions (CO₂ equivalent units or CO₂e = CO₂+CH₄+N₂O; CEC 2006). As indicated in Table 4 below, operation of the 284,360 square feet of new industrial/commercial uses under the proposed amendment (e.g., area source + mobile vehicle emissions) would generate an estimated 7,128.37 tpy of CO₂e. This would represent less than 0.0014% of statewide GHG emissions. Using a different comparative measure, the Association of Environmental Professionals (AEP) has indicated that large stationary combustion sources that emit more than 25,000 tpy of CO₂e, such as cement plants, coal-fired electric plants, oil refineries, large forest fires, etc., may be expected to individually have a measurable impact on global climate change (AEP, 2007). Because GHG emissions under the proposed amendment would represent only 28.5% of this threshold, the proposed amendment would not permit uses that would generate GHGs at levels that would have a significant impact on the environment, and the impact would be *less than significant*.

Table 4 Operational GHG Emissions Under the Proposed Amendment			
GHG Pollutants (tpy)			
CO ₂ ^a	CH ₄ ^b	N ₂ O ^b	Total CO ₂ e ^c
6,688.80	20.75	418.82	7,128.37
^a From URBEMIS Model (e.g., area plus operational emissions).			
^b Based on CA Inventory of GHG Emissions CO ₂ scaling factor (COE 2008).			
^c CO ₂ e is CO ₂ equivalent units = CO ₂ +CH ₄ +N ₂ O.			
Source: Planwest Partners, December 2010.			

b): Three types of analyses are used to determine whether a proposed project would conflict with the State's goal of reducing GHG emissions (COE 2008). They include:

- 1) The potential for the project to conflict with CARB 44 GHG emission reduction measures (e.g., CARB 44 Early Action Strategies);
- 2) The relative size of the project in comparison to the AB 32 goal of reducing statewide GHS by 174 million tpy by 2020, and in comparison to the size of major facilities that are required to report GHG emissions (25,000 tpy of CO₂e); and
- 3) The basic characteristics of the project to determine whether its design is inherently energy-efficient.

With regard to Item #1, the proposed amendment would not conflict with the most recent list of CARB GHG emission reduction measures (Appendix B of this Initial Study). This is because most of these measures apply to transportation, fuel, and solid waste rather than industrial/commercial uses, and because those emission reduction measures that do apply to industrial/commercial do not apply to the types of such uses anticipated under the proposed amendment (e.g., apply to commercial refrigeration, semiconductor production, foam recovery/destruction and other heavy manufacturing operations).

With regard to Item #2, because GHG emissions associated with the uses permitted under the proposed amendment are estimated at only 7,128.37 tpy of CO₂e, the proposed amendment would not be classified as a major source of GHG emissions as amendment missions would be less than the lower reporting limit for major facilities of 25,000 tpy of CO₂e. When compared to the overall State reduction goal of 174 million tpy of CO₂e, the GHG emissions associated with the amendment (7,128.37 tpy of CO₂e or 0.00409% of the State goal) would be quite small and should not conflict with the State's ability to meet its AB 32 goals.

With regard to Item #3, the proposed amendment would permit new urban uses within an existing urban environment (e.g., City of Rio Dell) and adjacent to HWY 101, both of which represent energy-efficient characteristics of the proposed amendment in that they reduce long commutes. However, the proposed amendment would not permit mixed-use development (e.g., residential with employment-generating uses), and thus would not experience the advantageous trip-reducing and thus GHG-reducing advantages of complimentary (e.g., home, work, and shopping) uses on the same site. Furthermore, there are no specific proposals in the proposed amendment for implementation of employee trip reduction measures, energy efficiency, or green

construction. Therefore, some aspects of the proposed amendment would be energy efficient while others would not.

Based on the above, the proposed amendment would not conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases with respect to Items #1 and 2 above, but could potential conflict with these with respect to Item #3. This impact would be *less than significant with mitigation incorporated*.

Mitigation Measures:

GHG-1: Implement Mitigation Measure AIR-2.

8. HAZARDS AND HAZARDOUS MATERIALS. Would the project:	Potentially Significant Impact	Less Than Significant Impact w/Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Create a significant hazard through the routine generation, transport, use, storage or disposal of fuels/hazardous materials?			X	
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials?			X	
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?				X
d) Be located on a site which is included on a list of hazardous materials sites per Government Code § 65962.5 and, as a result, create a significant hazard to the public or the environment?		X		
e) For a project located within an airport land use plan or two miles of a public airport or public use airport, result in a safety hazard for people residing or working in the project area?				X
f) For a project within the vicinity of a private airstrip, result in a safety hazard for people residing or working in the project area?				X
g) Impair implementation of or physically interfere with an adopted emergency response or evacuation plan?			X	
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires?			X	

a-b): The proposed amendment would permit the development of up to 284,360 square feet of industrial/commercial uses within the proposed IC portion of the 25.5-acre amendment area. These uses could potentially generate, transport, use, store and/or dispose of fuels or other hazardous materials. In addition, the amendment area contains an approximately 100 year old office building which pre-dates 1979 controls on the use of asbestos and lead-based paint in construction, and thus may contain such materials. The generation, transport, use, storage and/or disposal of fuels or other hazardous waste by new uses permitted under the proposed amendment, and the potential for the demolition or modification of the existing office building,

could potentially release hazardous materials into the environment and create a health hazard. However, mitigation in the 2008 Sawmill Annexation IS/MND requires the updating of the City of Rio Dell Emergency Operations Plan (EOP), as required, to accommodate new development in the amendment area, and requires asbestos and lead-based paint surveys for pre-1979 structures proposed for renovation or demolition. In addition, there are a substantial number of federal, state and local regulations applicable to hazardous materials, including that any new development that generates, uses, stores or disposes of fuels or other hazardous materials shall develop and submit a Hazardous Materials Release Response Plan and Inventory (Business Plan) to the Humboldt County Department of Environmental Health (HCDEH) for review and approval that outlines safety guidelines for handling and storing fuels and other hazardous materials, emergency response and cleanup. With the implementation of this mitigation and adherence to these regulations, the impact would be *less than significant*.

c): The proposed amendment would permit the development of industrial/commercial uses within the proposed IC portion of the amendment area. Some of these uses could potentially emit hazardous emissions or handle hazardous or acutely hazardous materials, substances or waste. However, the amendment area is not located within one-quarter mile of an existing or proposed school. The closest existing school is Monument Middle School located approximately 1.1 miles to the northeast. Also, no proposed (planned) school sites are identified in the City of Rio Dell's General Plan Land Use Diagram. Therefore, *no impact* would occur.

d): According to a Hazardous Materials Records Search conducted in 2007, the Eel River Sawmill, including the portion in the amendment area, is a listed hazardous materials site with multiple database listings. These multiple database listings are identified in Table 5 below.

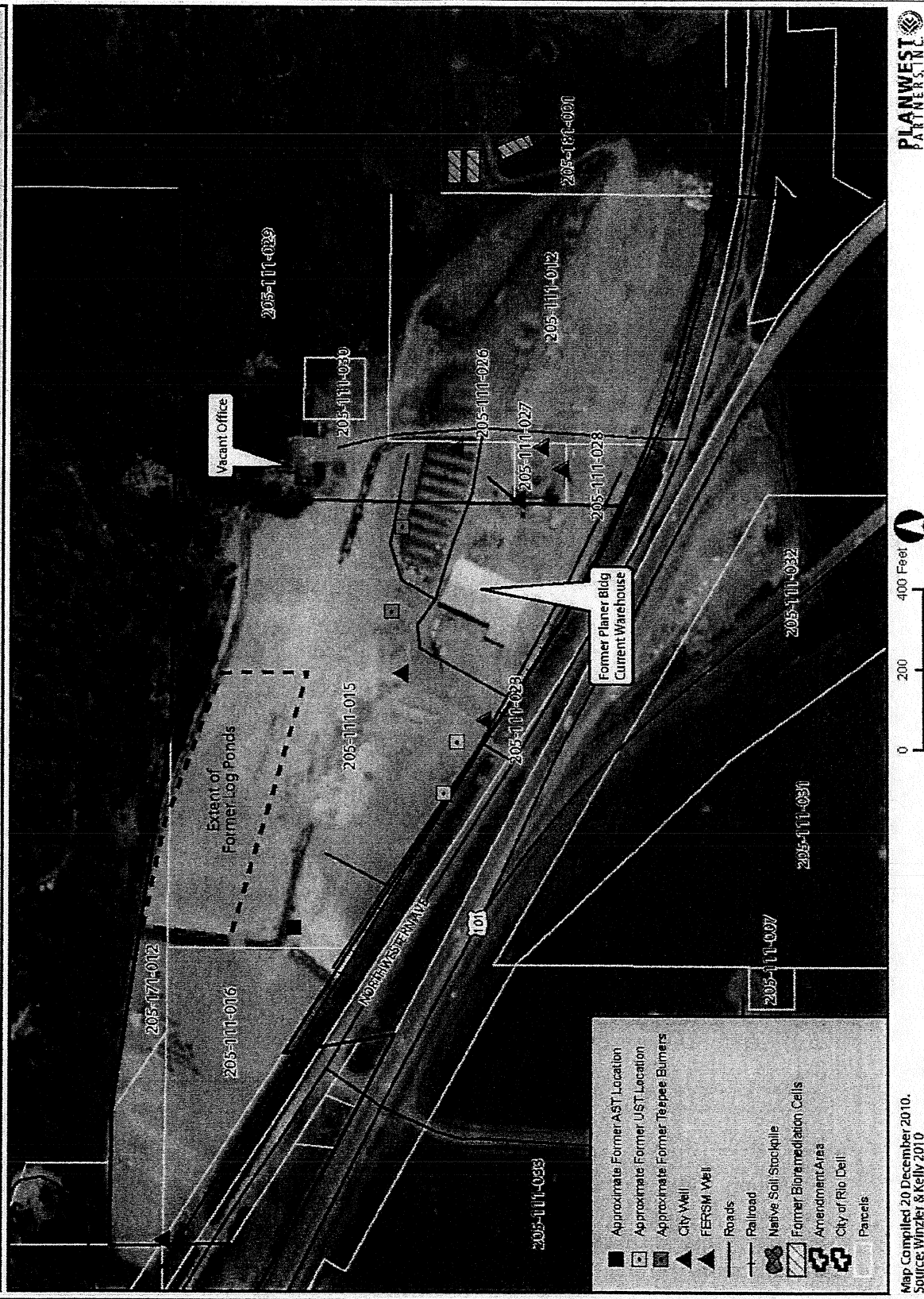
Table 5 Hazardous Materials Database Listings for the Eel River Sawmill		
Database Label	Agency	Database - Full
CA WDS	RWQCB	Waste Discharge System
LUST*	SWRCB	Leaking Underground Storage Tank (UST)
CA SLIC	RWQCB	SLIC Region
HIST UST	EDR	Historical UST
AST*	SWRCB	Aboveground Storage Tank
SWEETS UST	SWRCB	Statewide Environmental Evaluation & Planning System – UST
RESPONSE	DTSC	Confirmed Release/Response Sites
HAZNET	DTSC	Hazardous Materials Shipment
ENVIROSTOR	DTSC	Site Mitigation & Brownfields Reuse Program
<i>Source: Compiled by Planwest from the Rio Dell Wastewater Reuse Project ESA. EDR, Inc., 2007.</i>		

Not all of the above listings apply to the amendment portion of the sawmill, but both the EDR records search discussed above and the ESA discussed below are non-specific as to the exact location within the sawmill site where the listings apply. Also, some of the above listings simply indicated that hazardous materials were once used or stored at the Eel River Sawmill, others indicate the existing or historic presence of hazardous materials storage tanks, and still others indicate confirmed or suspected contamination. The status of the above listings ranges from “active” to “assessment workplan being prepared”, to “pollution characterization” to “assessment workplan completed” to “case closed” to “unknown”.

In response to a federal Brownfields Assessment Grant, a draft Phase I Environmental Site Assessment (ESA) has been prepared for the former Eel River Sawmill (FERSM), including that portion of the FERSM within the proposed amendment area (Winzler & Kelly, 2010). The purpose of the ESA was to identify recognized environmental Conditions (RECS) at the FERSM in order to determine whether further investigation and/or remediation is required. RECS are locations where there is a presence or likely presence of petroleum or hazardous substances under conditions that indicate an existing release, a past release, or a material threat of a release of petroleum or hazardous substances. Figure 10 identifies relevant existing and former features at the FERSM which give clues as to the previous and current uses of the FERSM. RECs within the amendment portion of the FERSM, as described in the ESA, are summarized below by assessor parcel number (APN):

- APN #205-111-012: Based on historical sampling results, elevated concentrations of petroleum hydrocarbons, chlorophenols, and heavy metals have been reported, and the extent of these constituents of concern (COCs) has not been defined. Specifically, total petroleum hydrocarbons as diesel (THP-D) have not been differentiated between naturally occurring organic compounds and anthropogenic compounds through the use of silica gel cleanup (EPA test method 3510). Additionally, elevated concentrations of Arsenic have neither been delineated nor compared to the background levels.
- APN #205-111-026: City well parcel – not covered in ESA.
- APN #205-111-027: City well parcel – not covered in ESA.
- APN #205-111-028: Based on review of historical activities for this parcel, storage of lumber products and vehicle/equipment parking appears to have occurred. This parcel has not been previously assessed, and based on its location between the former planer building and lumber storage areas, is suspected to have potential impact to soil and/or groundwater from petroleum hydrocarbons and/or chlorophenols.
- APN #205-111-029: Elevated concentrations of TPH-MO have been reported in the vicinity of the former AST site near the office building. Lateral delineation has not been achieved. Previous drainage ditch samples have contained elevated concentrations of TPH-MO which have not been defined in the down flow direction adjacent to APN #205-111-028. Additionally, previous ditch samples were not analyzed for chlorophenols.
- APN #205-111-030: No RECs reported.
- APN #205-181-001: Due to the presence of the former bioremediation cells containing soil hauled from FERSM C in Alton, which is known to contain petroleum hydrocarbons and which may contain COCs including dioxins/furans and chlorophenols, the northern portion of this parcel requires additional subsurface investigation.

Figure 10:
Eel River Sawmill Site GPA/ZA/GPTA
Relevant Existing and Former Site Features



The potential for any contamination associated with the above listings and RECS to not be fully remediated, combined with the potential for excavation, trenching and other earthwork associated with the new development permitted under the proposed amendment, means that construction activities under the proposed amendment could potentially release hazardous materials into the environment and create a significant hazard to the public. This impact would be *less than significant with mitigation incorporated*.

Mitigation Measures:

HAZ-1: The following shall be undertaken, either in the context of a Phase II ESA for the entire FERSM as recommended in the Phase I ESA or on a parcel-by-parcel basis within the amendment area prior to the issuance of building permits, to characterize the type and extent of any soil and/or groundwater contamination within the amendment area:

- APN #205-111-012: Based on RECs and previous investigations, soil borings shall be conducted to define the extent of impacts by petroleum hydrocarbons as diesel (through the use of silica gell clean-up EPA 3510) and chlorophenols. Additionally, soil sampling shall be conducted to delineate Arsenic and other heavy metal concentrations compared to background levels.
- APN #205-111-028: Based on RECs and the parcel's history of lumber storage and lack of previous investigation, soil borings shall be conducted for analysis of chlorophenols and petroleum hydrocarbons.
- APN #205-111-029: Based on RECs, soil borings shall be conducted to delineate petroleum hydrocarbons as motor oil in the vicinity of the former AST site near the office building to achieve lateral delineation. One of the borings shall include a groundwater sample. Soil samples shall also be obtained from the drainage ditch to analyze for chlorophenols due to lack of analysis for those constituents during previous investigations. An additional background sample shall be collected at a location cross gradient to the prevailing wind direction to analyze for background concentrations of dioxins/furans and heavy metals.
- APN #205-181-001: Soil borings in the location of the former bioremediation cells shall be conducted to analyze soil and groundwater samples for dioxins, furans, and petroleum hydrocarbons as gasoline, diesel and motor oil. Additionally, sampling of the water well shall be undertaken. Finally, soil borings shall be conducted in the northern portion of the parcel to assess for various COCs.

e-f): The amendment area is not located within an airport land use plan area, within two miles of a public airport, or within the vicinity of a private airstrip. The closest portion of the amendment area is located approximately 2.4 miles east south of Rohnerville Airport and outside the boundaries of the airport's land use plan area as specified in the Humboldt County Airport Land Use Compatibility Plan. Therefore, the proposed amendment would not result in an airport safety hazard for people residing or working in the project area. *No impact* would occur.

g): The City of Rio Dell's EOP identifies emergency planning, organization, response policies, and procedures in the City, and outlines coordination requirements with other local, state and federal emergency response operations in case of hazardous materials spills, wildland fires or natural disasters (Winzler & Kelly 2007). Under the proposed amendment, up to 284,360 square feet of new industrial/commercial uses would be permitted in the amendment area. Without revision of the City's EOP to cover this new development, the amendment could potentially impair implementation of or physically interfere with the EOP through the generation of traffic, blockage of existing emergency routes, increased demand for water to fight fires, increased potential to cause urban fires, increased potential for hazardous materials spills, etc. However, because the 2008 Sawmill Annexation IS/MND requires the updating of the EOP to accommodate new development, the impact would be *less than significant*.

h): Fire protection service in the amendment area is provided by the Fortuna Fire Protection District (FFPD), while fire protection service in the unincorporated area north of the amendment area is within a State Responsibility Area (SRA) and under the fire protection service responsibility of the California Department of Forestry and Fire Protection (Cal Fire). Fire stations in the vicinity include the Rio Dell Fire Protection District (RDFPD) station on Central Avenue in Rio Dell, and the FFPD and Cal Fire's stations in Fortuna (Planwest, 2007). All three fire protection agencies have mutual aid agreements with one another.

The northern forested hillside portion of the amendment area is designated by the Humboldt County General Plan as "Wildland Areas That May Contain Substantial Fire Risk (Humboldt County 2002). This forested hillside area would be re-designated/rezoned to NR under the proposed amendment which would prohibit new urban development. However, new urban development would be permitted at the interface of this forested hillside area and the valley floor portion of the amendment area by the proposed IC designation/zone, and this could potentially expose people or structures to a significant risk of loss, injury or death involving wildland fires. Still, the 2008 Sawmill Annexation IS/MND includes mitigation requiring that the FFPD review and approve development plans, and that fire safe measures (e.g., fuel modification, provision of emergency access, signage, and adequate fire-flow, etc.) be incorporated into new development at the urban-rural interface. With implementation of this mitigation, the impact would be *less than significant*.

9. HYDROLOGY AND WATER QUALITY. Would the project:	Potentially Significant Impact	Less Than Significant Impact w/Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Violate any water quality standards or waste discharge requirements?			X	
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing or planned uses for which permits have been granted)?			X	
c) Substantially alter the existing drainage pattern of the site or			X	

area, including through stream or river course alteration, in a manner which would result in substantial erosion or siltation onsite or offsite?				
d) Substantially alter the existing drainage pattern, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding onsite or offsite?			X	
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?			X	
f) Otherwise substantially degrade water quality?			X	
g) Place housing within a 100-year flood hazard Area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?				X
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?				X
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?			X	
j) Inundation by seiche, tsunami, or mudflow?			X	

a,f): The Eel River is listed on the Clean Water Act (CWA) Section 303(d) list as impaired by sediment and temperature, and is identified as providing recreational values and habitat for threatened and endangered species (Humboldt County 2002, Winzler & Kelly 2007).

The City of Rio Dell operates its storm drainage system under a Phase II National Pollution Discharge Elimination System (NPDES) storm water permit (Humboldt County 2002). The system discharges to the river and is classified as a nonpoint pollution source. The City also operates a wastewater treatment plant (WWTP) which discharges treated effluent to the river during the winter months and stores effluent in storage ponds during the summer months for discharge to the river in winter under Waste Discharge Requirements (WDRs), NPDES permits, Total Maximum Daily Load (TMDL) requirements, and other applicable permits and regulations (Winzler & Kelly 2007).

The proposed amendment would permit the development of up to 284,360 square feet of new industrial/commercial uses in the amendment area. Construction activities associated with this development could generate sediment and result in the deposition of fuels and construction pollutants which could be conveyed to the Eel River in storm water runoff, while operation of the permitted uses could: (1) generate urban runoff with pollutant constituents or levels that could make it difficult for the City of Rio Dell to meet its NPDES permit requirements for stormwater discharges to the river; (2) generate wastewater with pollutant constituents (for example, heavy metals) that could make it difficult for the City to meet its WDRs, TMDLs, and NPDES permit requirements for treated wastewater discharges to the river; and (3) increase the potential for spills of hazardous materials or other pollutants which could make their way to the

river. However, the 2008 Sawmill Annexation IS/MND included mitigation requiring that stormwater runoff be diverted through grassy swales and other features to remove urban pollutants, and that wastewater studies be prepared for proposed industrial uses to evaluate and identify measures required to avoid any potential to interfere with the City's ability to comply with its wastewater discharge permits. In addition, existing regulations require: that any discharges of stormwater runoff comply with the City's existing NPDES discharge permit; the preparation/implementation of a Stormwater Pollution Prevention Plan (SWPPP) to prevent pollutants and sediment from leaving the construction site during construction; and that new industrial development file a Notice of Intent to comply with the California General Permit for Discharges of Storm Water Associated with Industrial Activities. With implementation of these measures and compliance with these regulations, the impact would be *less than significant*.

b): The amendment area and greater City of Rio Dell are underlain by the Eel River Valley Groundwater Basin which covers 120 square miles (Humboldt County 2002). While the proposed amendment would permit the development of up to 284,360 square feet of new industrial/commercial uses and other impervious surfaces (streets, parking areas, etc.): (1) most of the 13.6 acres to be re-designated/rezoned to IC is already covered by impervious surface (e.g., the former Eel River Sawmill); and (2) no new urban uses would be permitted in the 11.9-acres to be re-designated/rezoned to NR, thus preserving this acreage in its existing pervious condition. Hence, the potential for an additional acre or two of impervious surfaces under the proposed amendment would not increase impervious surfaces such that it would substantially interfere with groundwater recharge, especially in light of the large size (120 square miles) of the groundwater basin. Thus, the impact would be *less than significant*.

The amendment area contains four existing City wells. These wells would be preserved under the proposed amendment, and thus the amendment would not reduce the City's existing water well pumping capacity. In addition, while the amendment would permit the development of new urban uses that would create a demand for water, this water would be provided by the City's municipal water system which relies overwhelmingly on water from the Eel River rather than on well water (HLAFCo, 2008b).³ Therefore, the proposed amendment would not substantially deplete groundwater supplies or substantially lower the existing groundwater level, and the impact would be *less than significant*.

c-d): The proposed amendment would permit new urban development in the proposed IC portion of the amendment area. Given that this portion of the amendment area is relatively flat and already mostly covered with impervious surfaces, it is not anticipated that new development permitted under the proposed amendment would substantially alter the existing drainage pattern of the area or substantially increase the rate or amount of surface runoff. In addition, while several existing drainage ditches occur on-site, the only "stream" or "river" in the amendment area is the seasonal creek that bisects a small area in the northwest corner of the amendment area (Figure 9), and the course of this creek would not be altered under the amendment (per Figure 6, this creek occurs in the portion of the amendment area to be re-designated/rezoned to NR which does not permit new urban development). Therefore, the impact would be *less than significant*.

³ Water to serve the proposed amendment would be provided by the City's municipal water system rather than by new wells in accordance with a new General Plan policy, adopted by the City in the context of the 2008 Sawmill Annexation, which requires that new development connect to the City's municipal water system.

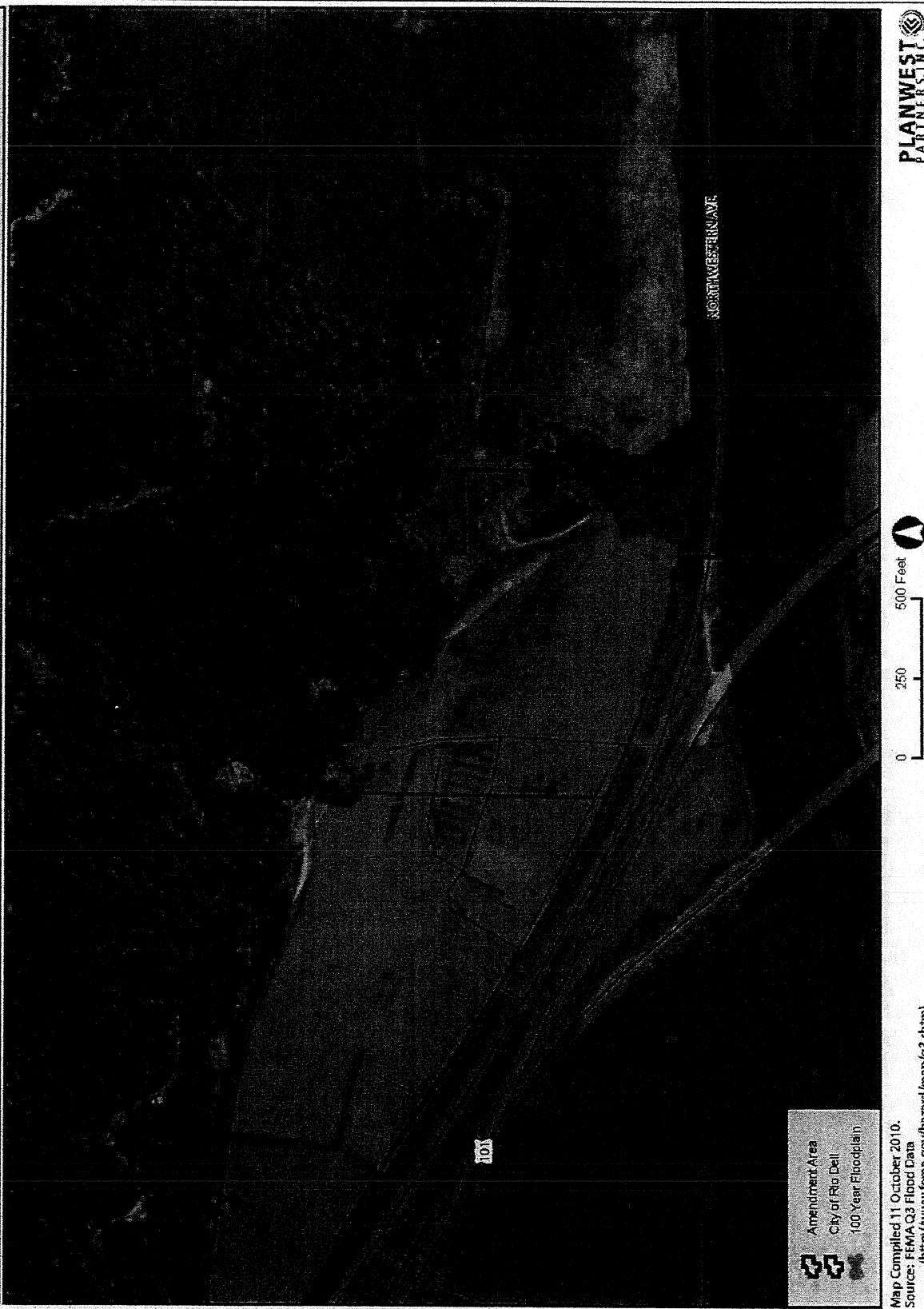
e): A new City of Rio Dell General Plan policy adopted in the context of the 2008 Sawmill Annexation requires that new development connect to the City's municipal storm drain system (Planwest, 2008a). Hence, stormwater runoff that currently drains from the IC portion of the amendment area to downstream drainage ditches and as uncontrolled sheet flow would be diverted to the City's storm drain system under the proposed amendment. Because existing City storm drain facilities do not currently extend to the proposed IC portion of the amendment area, such facilities would need to be constructed. Also, because development plans have not yet been prepared owing to the programmatic nature of the proposed entitlements (e.g., GPA/ZA/GPTA), a drainage study has not yet been prepared so that it is unknown whether the City's storm drain system has adequate capacity to accommodate this stormwater runoff. However, the 2008 Sawmill Annexation IS/MND identifies mitigation requiring drainage studies for new development in the amendment area. With implementation of this mitigation, the impact would be *less than significant*.

g): While a portion of the amendment area is located within the 100-year floodplain of the Eel River (Figure 11), the proposed amendment would re-designate/rezone this area to IC which does not permit new residential uses. Therefore, the proposed amendment would not place housing within a 100-year flood hazard Area, and *no impact* would occur.

h): As indicated in Figure 11, most of the sawmill portion of the amendment area is located within the 100-year floodplain of the Eel River. Because most of this area is proposed for re-designation/rezoning to IC, the proposed amendment would permit new industrial/commercial uses within a flood hazard area. However, this new development would not impede or redirect flood flows because this development be located outside the channel of the river and behind berms associated with HWY 101 and the railroad tracks. Therefore, *no impact* would occur.

i): The amendment area is not levee-protected. Also, Scott Dam, which creates Lake Pillsbury on the upstream reaches of the Eel River, is more than 100 miles to the southeast, and this distance would allow for considerable dispersion of water surges before they would reach the Rio Dell Area (Rio Dell 1975). Therefore, the proposed amendment would also not expose people or structures to a significant risk of loss, injury or death involving flooding associated with the failure of a levee or dam. However, the amendment would permit new industrial/commercial development within the 100-year floodplain of the Eel River. Still, this would not expose people or structures to a significant risk of loss, injury or death involving flooding because FEMA requires that: (1) all buildings constructed within the 100-year floodplain be elevated so that the lowest floor is at or above the Base Flood Elevation level; and (2) for any development located in the 100-year floodplain, a hydrologic study must be prepared which demonstrates that it must not increase Base Flood Elevation levels. With the compliance with these requirements, the impact would be *less than significant*.

j): The amendment area is located approximately 18 miles from the coast, and is not located either within the Coastal Zone or a County-designated Tsunami Run-Up Zone (Humboldt County 2002). The amendment area is also not located adjacent to or directly downstream from any lakes. Therefore, development permitted under the proposed amendment would not be subject to inundation by tsunamis or seiches. However, as discussed under Response 6.a.iv, the portion of the amendment area located at the interface of the forested hillsides to the north and



the flat valley floor area to the south could potentially be subject to landslide and mudflows. Still, mitigation is identified in the 2008 Sawmill Annexation IS/MND requiring that a geotechnical study be prepared for any development proposed within 100 feet of the toe-of-slope that identifies measures required to avoid any substantial landslide/mudflow hazards. With implementation of this mitigation, the impact would be *less than significant*.

10. LAND USE AND PLANNING. Would the project:	Potentially Significant Impact	Less Than Significant Impact w/Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Physically divide an established community?				X
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?			X	
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?				X

a): The proposed amendment does not include plans for the construction of new highways, railways, levees or other types of development most often associated with dividing an established community. In addition, the amendment area is located at the urban/rural interface rather than within an urbanized area, and would likely increase connectivity within and across the amendment area. Therefore, new development permitted by the proposed amendment would not physically divide an established community, and *no impact* would occur.

b): The 25.5-acre amendment area is proposed to be re-designated/re-zoned from Public PF to IC (13.6 acres) and NR (11.9 acres; Figure 6). Both the existing and the proposed land use designations/zoning permit the development of urban uses in the westerly 13.6 acres of the amendment area. However, while the existing land use designation/zoning permit the development of urban uses in the easterly 11.9 acres of the amendment area, the proposed designation/zoning would preserve this acreage in its existing forested and pasture use. Therefore, the likelihood of existing conditions being retained in the easterly half of the amendment area would be greater under the proposed amendment, and thus the amendment would not conflict with an existing land use plan adopted for the purpose of avoiding or mitigating environmental effects.

Mitigation in the 2008 Sawmill Annexation IS/MND (MM 4e) requires that the City of Rio Dell adopt the County's SMA requirements (e.g., watercourse and wetland buffers, etc.) and apply them to the Sawmill Annexation Area, including the amendment area. Hence, provision of SMA buffers is or will be an applicable regulation of the City adopted to avoid or mitigate adverse environmental effects. With implementation of this mitigation as it may apply to the on-site watercourses and wetlands in the amendment area, the impact would be *less than significant*.

c): The amendment area is not subject to a habitat conservation plan or natural community conservation plan. Therefore, **no impact** would occur.

11. MINERAL RESOURCES. Would the project:	Potentially Significant Impact	Less Than Significant Impact w/Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Result in the loss of availability of a known mineral resource that would be of value to the region and residents of the state?			X	
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?			X	

a-b): Current County mineral resource production is primarily limited to sand, gravel, and rock extraction (Humboldt County 2002). Gravel bars and deposits from rivers and flood plains supply most of the gravel needs of the County (Humboldt County 2002). Approximately 75% of all sand, gravel and rock extraction in the County occurs in the Eel River-Van Duzen complex (Humboldt County 2002). As indicated in Figure 16-1 of the Humboldt County General Plan Update, several gravel extraction sites occur both north and south of the City of Rio Dell, but no such sites occur within the City, the Sawmill Annexation area or the amendment area (Humboldt County 2002, Planwest 2007, Winzler & Kelly 2007). Development of the industrial/commercial uses that would be permitted in the amendment area could potentially preclude any future mineral extraction in portions of the amendment area. However, the amendment would not result in the loss of availability of known mineral resource of value to the region or state or the loss of a locally-important mineral resource recovery site delineated in a local plan because: (1) the amendment area is not currently used for mineral resource extraction; (2) there are abundant potential mineral resource extraction sites elsewhere along the Eel River and within the greater Eel River-Van Duzen complex; and (3) the amendment area is not delineated in applicable plans as locally-important mineral resource recovery sites. Therefore, the impact would be **less than significant**.

12. NOISE. Would the project result in:	Potentially Significant Impact	Less Than Significant Impact w/Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?			X	
b) Exposure of persons to excessive groundborne noise/vibration?				X
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?			X	
d) A substantial temporary or periodic increase in ambient noise levels in the vicinity above levels existing without the project?			X	
e) For a project located within an airport land use plan or, where				X

such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?				
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?				X

The following noise analysis is based, in part, on noise modeling conducted for the proposed amendment using the Federal Highway Administration (FHWA) Traffic Noise Model (Version 2.5 Look-Up Tables). The noise modeling output is included as Appendix C of this IS/MND.

a,c): Mobile Source (Traffic) Noise: The City of Rio Dell Noise Element of its General Plan requires the City to: (1) consider the noise impacts of commercial development upon nearby residential areas; (2) maintain acceptable noise levels for City residents and business community; (3) designate truck routes on existing streets; (4) adhere to California Title 24 and UBC minimum noise insulation standards; and (5) support the State of California's 24-hour noise compatibility standards. For purposes of analysis, the State's 24-hour noise compatibility standards are shown in Table 6 below.

Table 6 California's 24-Hour Noise Compatibility Standards	
Land Use Category	Exterior Noise Level (dBA CNEL or 24-hour L_{eq})
Residential – single family	60
Residential – multi-family	65
Transient lodging (motels, hotels)	65
Schools, libraries, churches, hospitals, nursing homes, auditoriums, amphitheaters, sports arenas, parks	70
Commercial, office	70
Golf course, cemeteries	75
Industrial, manufacturing, utilities, agriculture	75
<i>Source: California OPR, 2003.</i>	

The proposed amendment would permit the development of up to 284,360 square feet of new industrial/commercial development within the amendment area. This development would generate an estimated 586 p.m. peak hour (e.g., 5:00-6:00 p.m.) vehicle trips on Monday through Friday that would utilize Northwestern Avenue, HWY 101 and Wildwood Avenue. The FHWA Model was used to determine whether this traffic would generate mobile source noise in excess of State noise compatibility standards at the property lines of the closest existing noise sensitive uses along these roadways. Table 7 below summarizes the results of the modeling.